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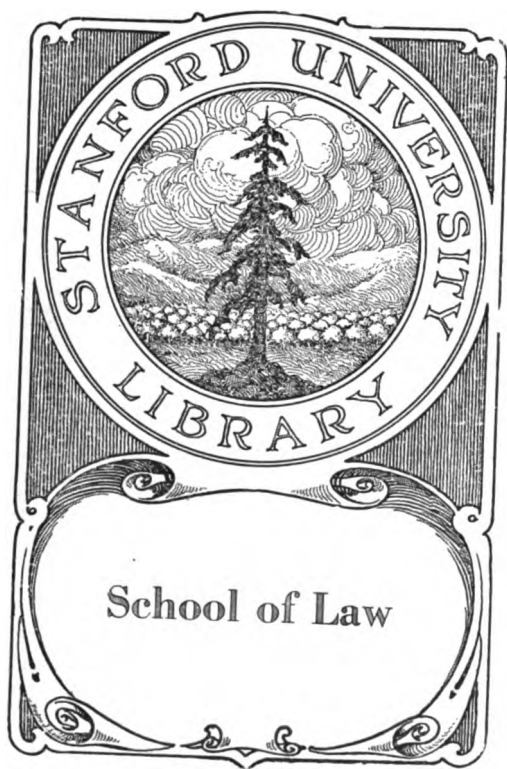
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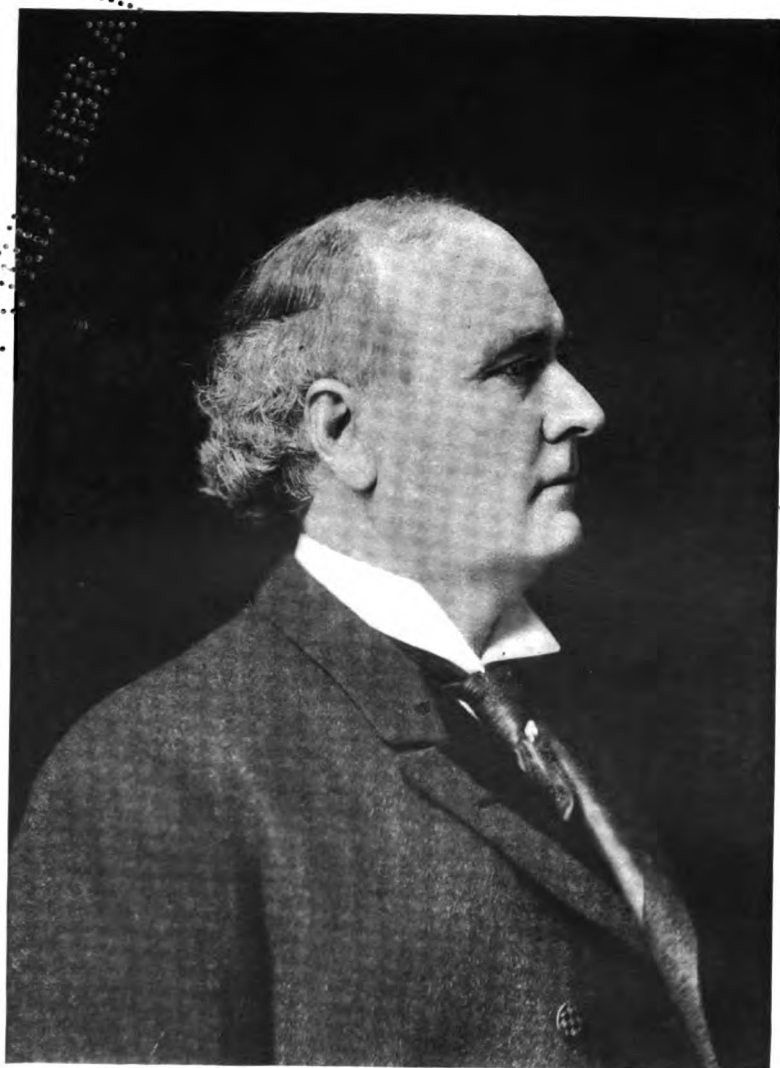
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1890



**E. J. MURPHY**  
WARDEN ILLINOIS STATE PENITENTIARY, JOLIET

PROCEEDINGS

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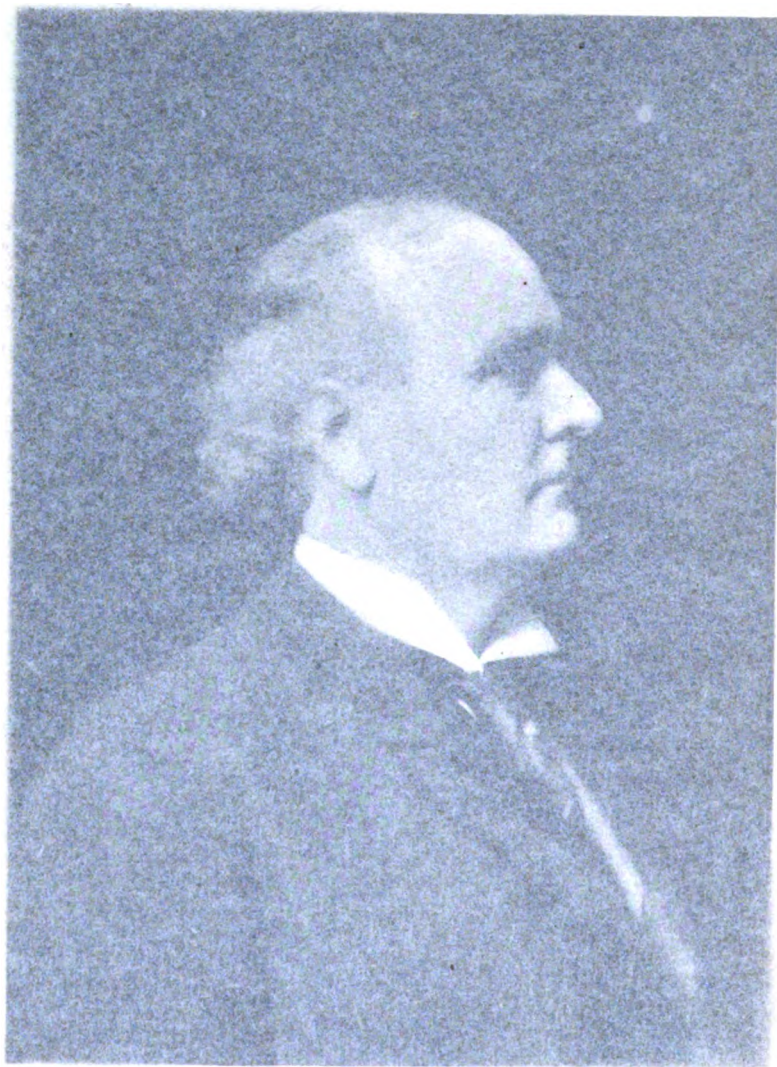
# National Franchise Association

OF THE UNITED STATES

Chicago, Illinois, September 1-4, 1907

1907

INDIANAPOLIS  
WM. B. BURFORD, PRINTER



E. J. MURPHY  
WARDEN ILLINOIS STATE PENITENTIARY

American prison association.

# Proceedings

OF THE

## Annual Congress

OF THE

# American National Prison Association

of the United States

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Chicago, Illinois, September 14 to 19

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1907

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## PREFACE.

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The National Prison Association held its annual meeting September 14-19, 1907, in Chicago, Ill., under the presidency of E. J. Murphy, warden of the Illinois State Penitentiary, Joliet.

The extremely warm weather affected the attendance in some degree, yet in many ways this Congress excelled its predecessors. The registration of delegates and visitors numbered 557, thirty-nine States of the Union, the United States Government, Canada, Cuba and Germany being represented. There were present five persons who attended the original gathering of the Association in Cincinnati in 1870, including Mr. Charles F. Coffin, of Chicago, one of the incorporators. It was said by one of these that at no congress which he had attended had the note of reformation and of responsibility for the salvation of the men committed to prison been so clearly sounded as at this meeting.

The different sessions were held in the banquet hall of the Auditorium Hotel, except those on Wednesday morning and Wednesday afternoon, which, by invitation, met in Mandel Hall, University of Chicago. The reception, the theater party and other arrangements for the pleasure of the delegates were thoroughly appreciated.

The committee appointed to revise the constitution and by-laws of the Association recommended some important changes. Its report will be found in full in the back of this volume. It will be necessary to submit this to the proper authorities at Albany, N. Y., before final consummation. By vote of the Congress, the Association will hereafter be known as the American Prison Association.

Rev. John Lynn Milligan, LL.D., Allegheny, Pa., who served the Association so long and faithfully as its general secretary, was chosen president of the next Congress. This will be held in the fall of 1908 at Richmond, Va.

A. W. B.

Indianapolis, Ind., Feb. 6, 1908.

# ORGANIZATION OF CONGRESS, 1907.

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## PRESIDENT.

E. J. MURPHY, Joliet, Ill.

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CHARLES R. HENDERSON, D. D., Chicago, Ill.

N. F. BOUCHER, Bismarck, N. D.

## PROCEEDINGS.

### OPENING SESSION.

The National Prison Association met in Chicago, Ill., September 14-19, 1907, under the presidency of Hon. E. J. Murphy, warden of the Illinois State Penitentiary, Joliet. The opening session was called to order at eight o'clock, Saturday evening, September 14th, in the banquet hall of the Auditorium Hotel, Mr. Murphy presiding. After prayer by the Rev. W. J. Batt, of Concord, Mass., and music by a male quartette, cordial welcoming addresses were made by Mr. E. J. Magerstadt, representing Mayor Busse of Chicago, and by Prof. F. G. Blair, representing Governor Deneen. Dr. Frederick H. Wines responded on behalf of the delegates.

Dr. Frederick H. Wines—I take great pleasure, as one who has been long and closely identified with our penal history, in responding to these warmly tendered words of welcome. We know, some of us at least, what a part Illinois has played in this great movement. We remember that it was in this city that the National Conference of Charities had its birth. We remember that it was in this city, and largely through the efforts of a citizen of Chicago, Col. Charles E. Felton, that the Wardens' Association, which has been such a power for good, was organized. We recall, too, the memorable address which was given here many years ago, on the prison question, by Rutherford B. Hayes, president of the Association. He received almost an ovation as he appeared upon the platform, and his words sank deep in the hearts of those who heard him. We remember it was in the city of Chicago that the juvenile court had its birth. So you see, ladies and gentlemen, that Illinois and the city of Chicago have performed a great part in the movement of which we are in some

sense the representatives. Therefore, we respond most cordially to the words of welcome which we have heard.

Now a word with regard to ourselves, what we are and what we represent.

Nothing is more illuminating than a broad generalization, like Isaac Newton's conception of gravitation as a universal force, or that of Herbert Spencer regarding evolution as a universal process. A difficult problem, such as that of the prison and the prisoner, is easier of solution when reduced to its lowest terms—when it is seen to be only a special form of a larger question. The principles which determine the proper treatment of the prisoner are identical with those that underlie the sane and safe treatment of the child, the lunatic, the laborer, the citizen. They rest upon an intimate acquaintance with human nature, and are in effect the fundamental theorems of all social science.

Now, from the beginning of the world, always and everywhere, men have grouped themselves in two opposite but not necessarily hostile camps, according as their temperaments incline them to pessimism on the one hand or optimism on the other, to faith or to unbelief, to hope or to despair. One of these groups regards force, the other persuasion—this group sees in fear, the other in love—the supreme motive power which governs mankind.

This divergence of opinion and sentiment manifests itself first of all in the household. There is perhaps no parent who does not imagine himself to be an exact illustration of the happy mean between overseverity and overindulgence; yet there is probably none who does not err in one direction or in the other. From the home, if we pass to the farm, the factory, the counting-house, the halls of legislation or the courts of justice, we perceive the same dissimilarity and disagreement. Must we demand more or less? Must we increase or diminish the pressure upon those of whose lives we have the partial direction and control? What is right? What is best? None of us keeps precisely in the middle of the road. We trust too much or too little, we have too much sympathy or not enough, we are too hard or too easy, we interfere where we ought not, and fail to interfere where we ought, and

our mistakes would often be fatal were they not counterbalanced by excess or shortage, equal in amount, though in the opposite direction, on the part of others, who see the reverse side of the shield.

Now, this, in a nutshell, is the prison question. Crime must be repressed; we are all of one mind as to that. In order to the repression of crime, the criminal must be eliminated. But how? By his destruction? Or by his redemption? Is he to be killed or cured? Must we push him down or pull him up? At this point, the divergence to which I have alluded again shows its head. It is another man, but the same problem, that confronts us in all relations of life—in government, in finance, in law, in medicine, and even in charity. Only this time it happens to be the prisoner instead of the pauper, the laborer, the debtor, or the imbecile.

The criminal is a victim, the victim of ignorance, of passion, of opportunity and impulse, of circumstances and inheritance, often of disease. If he is their hopeless victim, no more remains to be said. The larger interest is of course paramount. We cannot sacrifice society to the individual, nor set the thief above the honest man. But are all criminals hopelessly irreclaimable? To say so would be as gross an exaggeration as to deny that some of them may be, and humanly speaking, certainly are.

There are those who cry aloud that crime tends to increase more rapidly than the growth of population, which is an unproved assertion, and it may be doubted whether it can be proved, whether it is true. They tell us that this alleged increase of crime may be traced to false sentiment as its source, the sentiment which would coddle the criminal as though he were a martyr, instead of punishing him as he deserves. Your reformer's head is softer than his heart. The way of the transgressor is not made hard enough. Throw away the silken glove, and let him see as well as feel the iron hand. Not only does the effort expended upon him accomplish nothing, so far as himself is concerned, but by doing away with the terrors of the law, it tends to encourage the growth of crime and is thus worse than wasted.

Is not this a sentimental view of the question? Sentiment

against sentiment, what is there to choose between the weakness of pity and the bitterness of revenge? Are we to be governed by either in dealing with crime? I think not.

The balance between social forces cannot be academically adjusted. Practically, it adjusts itself through the conflict of many wills, controlled by natural law, as water seeks its level, or as prices are determined in an open market.

One thing, however, may with confidence be said. Progress from barbarism to civilization has been characterized by the gradual elimination of brutality and the growth of the humanitarian spirit. This beneficial change is attributed partly to the advance of intelligence, enabling the race to govern itself and to escape from extraneous control; partly to the influence of the Christian religion. The advent of Jesus Christ, among whose claims to be called the savior of the world we must reckon his function as a social reformer, broke the chains of superstition with which despots had bound mankind; and modern history is the record of the partly successful effort to apply His teaching to social as well as to individual conditions. That the dictate of religion is to save men, not to destroy them, is beyond dispute.

Nor in this particular does science contradict religion. The doctrine of the survival of the fit does not mean that we are to assume to ourselves the right to substitute artificial for natural selection.

We who advocate the cause of prison and penal law reform, claim, therefore, to be in line with the mighty undercurrent of history. We keep time to the music of the stars. We may be heretics, but we are not idiots. What do we propose that is foolish or contrary to the truth of science or of religion? We stand for the enforcement of law and its sanctions regardless of the color, race, wealth, or social standing of the transgressor. We regard the conversion of the criminal into a law-abiding citizen as a higher end in government than his extinction. We see no way in which he can be reformed except through education, physical, mental and spiritual. We do not know how educational processes can be applied to him by men deficient in brain, heart, or moral integrity; which is why we desire not only the divorce

of prison management from practical politics, but that it should also be free from subjection to the selfish interests of the prison contractor. Most of all should the State keep its skirts clean. It may have no moral right to conduct any prison for profit, but it has the right, and it is its duty, to require that every convicted felon or misdemeanant shall, in so far as may be possible, earn the cost of his own support—in prison as well as on the outside.

We have greater confidence in the efficacy of preventive measures than in either repression or reformation; and prevention must begin at the beginning, with the child. The security of society depends upon the safeguarding of the home, which must first of all be a sanitary home. The child should be protected from every influence that tends to fit him for a criminal career; from ignorance, idleness and vice. We are opposed to the abuse of child labor; to the substitution of institutional for home life, if it can be avoided; to the association of children with adult criminals, in the prison or criminal court. The function of State and Church alike is to save men by saving the children. We do not regard the criminal adult as beyond hope, but he shall be, if we deprive him of hope, which is what we do when we administer the law in a vindictive spirit, insisting upon definite terms of imprisonment, or so much suffering for so much guilt. We, therefore, favor the largest possible use of probation and the parole, but not the unconditional release of any felon. Finally, we hold that the unreclaimed and dangerous felon should be detained in custody until he ceases to be a menace to the community, and if need be, for the term of his natural life.

This is not a revolutionary program. It is neither unscientific nor irreligious. It is more practical than theoretical and serves to reconcile the justice which is just because not unmerciful with the mercy that is merciful because not unjust. Not a man or a woman of us all will refuse to subscribe to it, if not *ipsissimis verbis*, yet for substance of doctrine.

You do well to welcome us to this great city and State. Society is purified through ferment, through agitation; and in order to agitation there must be agitators. We are not agitators by profession, but we are the cup of yeast in the mass from which



society, the master, when the fermentation is concluded, may drink the clear, refreshing wine of life.

On request of the president, Dr. Wines then took the chair, and Mr. Murphy read the presidential address.

### PRESIDENT'S ADDRESS.

E. J. MURPHY, JOLIET, ILL.

I desire to embrace this, the first opportunity, to thank the Association for the honor conferred upon me at Albany. This being the greatest reform organization in the Union, it is no small compliment to be called to preside over its deliberations, and I assure you I am not insensible to the confidence reposed in me, and I again thank you for the honor.

It affords me pleasure to add my words of welcome to those which have been so felicitously delivered by the gentlemen who have preceded me.

We begin tonight another annual meeting of this Association, and we begin under more favorable auspices than at any previous meeting. The history of the past meetings is known to many of you, and the benefits to society and the world at large accruing from our meetings are part and parcel of the history of the country.

It is no Utopian dream which brings to this city, from all parts of the country, earnest and enthusiastic men and women who are prompted by no selfish impulse, but animated only by a desire to contribute their part in uplifting those who have fallen.

We meet in the second city in the Union and one that in its cosmopolitan character has only one equal and no superior. We meet, too, in a State that has kept pace with the most advanced States in the Union in legislation which will enable the man who has once come under the law to lead a new life, and our State ever holds out the helping hand to those who wish to begin life anew.

The onward march of reform in the criminal law has found

Illinois no laggard. Here, as in almost every State, the controlling influence in our legislature is made up of lawyers. They are naturally conservative and will depart from precedent only when convinced that a departure is demanded in the name of reform. But today, with our juvenile court law, our parole law, our improved jails, our supervision over child labor and the multitude of reforms which have graced our statutes in recent years, our State stands at the front rank and our hands are held out to any commonwealth which yet adheres to the old laws of the past generation.

We meet at a time when the whole nation is, more than ever before in its history, attracted by the ideas of prison reform. It has not been long since the idea that a man who had been in prison had any other right than to be shunned by society was a novel one. Now you can talk of prison reform in the largest city or the smallest hamlet and everywhere you strike a responsive chord, and find advocates. It may be that they do not subscribe to your ideas or mine, but so long as they advocate measures that get further away from the old methods—the whipping post, the stocks, the idea that there is no reformation for any man who has once been in prison—so long are they working for better things.

The influence of this Association cannot be measured, composed, as it is, of earnest, determined men and women. These representative people have gone from its meetings to their homes and have impressed their ideas upon the press, the clergy, the lawyer, the physician, the business man, and have secured reforms the suggestion of which, a few years ago, would have brought forth only ridicule.

It is true that in our past meetings many theories have been advanced which, when the essential test of practicability was applied, were found wanting. But from the various theories have been evolved many reforms, and from the golden mean of many ideas have come results far-reaching in their effect. If this Association had no more to its credit than its persistent advocacy of the parole law, each member could feel that he had been repaid for all time and expense given to its meetings.

Out from all other reforms, I think, stands this great measure. By it there comes something of an equality of sentence. When once the parole law is adopted, there comes an end to the administration of the law whereby one person is sent from one county for one year and another person from an adjoining county for ten years for exactly the same crime. Another wise provision of the law is entirely in the interest of the prisoner. That is the provision which secures employment for him before he leaves the prison. To me it was a most pathetic thing to see a man leave the prison where he had been confined under the old law for five or ten years. There had been many changes in all the industries of the land. He came out of prison with the amount allowed him by the State, which was never enough to keep him more than a week or two; the whole world was strange to him; he was a man in growth and strength—a man in taste and habits, and yet with a child's experience. The State might magnanimously pay his railroad fare to the county seat from which he was sent, but it never looked out to see if he had anything better than to go back to his old habits. He had committed a crime no doubt, and had paid the penalty of outraged law. Yet at the one time in the man's life when the State could have done something to make him a good citizen and help him to a higher and nobler life, that was the very time when the State held aloof, and told him that he must shift for himself; that all the State would do would be to keep a sharp lookout for him, because he had once been in trouble. All the interest it had in him was to watch him to see that he did not commit some other crime. If, perchance, a crime was committed in the community, he was the first one suspected and too often he had to prove his innocence instead of the State proving him to be guilty. Why should not the State assume he was the guilty one? He was without employment and had heretofore transgressed the law, and there was no one else in the community so likely to commit the crime.

Under the parole law, however, all this is changed. Before the man departs from the prison, employment has been secured for him. It may not be an ideal place, or such an one as suits his

fancy, but it is a home and he has an opportunity to go to honest employment, and there can be no possible excuse for him to engage in crime. If the prisoner has a desire to reform, if he wants to lead a better life, the parole law gives him every opportunity to show his determination; he has not been driven to crime in order to support life; he has not been turned out upon the world with no one to take an interest in his future; a helping hand has been held out to him, and he has every opportunity to become once more a respected citizen. If he is looked upon with suspicion, if the world turns to him a cold shoulder, the fault lies with the man, for certainly the State has done its part toward making him a good citizen.

The parole law enables those who administer it to give to the first offender every opportunity to reform. It holds out to him every possible inducement to live thereafter an honest, industrious life.

Equally profitable to society is the opportunity which it gives to the officers to investigate the records of all prisoners and exercise a just and fair discrimination in their treatment.

Before I leave this subject I wish to impress upon every delegate here who hails from a State where the law is not in force, the far-reaching effect of this statute which I think so beneficial alike to both the people and the prisoner. I believe that the time is not far distant when every State in the Union will have a parole law, when all such laws will be uniform in character and administered as nearly alike as conditions will admit.

Since our last meeting two most important events have transpired. The State of Iowa has made one of its penitentiaries a reformatory, and has adopted the parole law as applicable to the new reformatory and the remaining prison. A board of experienced men has been appointed by the Governor of the State to administer the law, and I look for most satisfactory results.

One of the very greatest steps in years has been taken by the city of Chicago in the erection of the Juvenile Court Building. It is, I believe, the only building ever erected in the United States to be used expressly and solely for the juvenile court. I have not time properly to describe this building, but trust every

delegate will visit it before he leaves the city. I sincerely hope the time will speedily come when every large city in the Union will have such a building.

These two events in themselves are not only of great significance, but they speak volumes in favor of the onward march of intelligent reform in dealing with the unfortunates.

One thing which I hope will be most freely discussed at this meeting is the doctrine of giving to committing magistrates or judges the power to suspend sentence. In many States no such power can be conferred unless the constitution is amended. In a large number of cases, especially in the case of a first offender, a careful and judicious reprimand and holding final judgment in abeyance will do more good than to send the man or boy to prison. In this State our juvenile court law confers large powers upon our judges, but the power applies only to delinquent boys and girls; but so successful has this law proved that no one thinks of its repeal. In those States where a similar law which can be applied to adults, can be passed and enforced, much good can be accomplished, no doubt, and many a man saved to society who would otherwise feel, that having once been in prison, the stain could never be removed, and there was nothing for him to do but to lead a life of crime.

A serious question has often presented itself to my mind as to the duty of the State in particular cases. When a man who is the sole support of a family transgresses the law and is sent to prison, his family is deprived of support. It may be that but a small part of his wages had gone to those dependent on him, but by his incarceration they have been deprived of even that. His punishment bears hardest on the wife and little ones, and they are often thrown on the charity of the public. Does the State owe them any protection different from that doled out to the average unfortunate? Are they to participate in the punishment of the illegal acts of the father? Could not the State have been amply satisfied without humiliating the wife and children by incarceration in an almshouse? I consider this question worthy of more than a passing notice. I think it should be made the subject of serious consideration.

Most of the States have reformatories in which are confined

those below the age of 21, but what of our jails? In scarcely any jail in the land is there any provision for separating the young from the old. The boy is often thrown into a cell with an old offender—with one who has, perhaps, served in prison more than once. What can be the effect of such incarceration upon the untrained mind of the boy? He is too often taught to have no respect for the law, and to look upon the officers as his enemies. More than that, he is often taught that his incarceration places upon him a stain which can never be erased and that in the future he might as well lead a criminal life. He often is taught to feel that the hand of society is raised against him. Reform in the management of jails is one of the most crying needs of the hour, and one to which we should address ourselves in the most earnest manner.

Would it not be wise to devote some time to a discussion of schools in the prisons? The younger prisoners and those serving their first term, it seems to me, should be the special care in the realm of instruction. Is it not best to do all we can to send these men out of prison better equipped for the battle of life than they were when they came under our care? This may lengthen the school hours in the prison and may add additional burdens to the officers, but should it not be our pleasure as well as our duty? The lack of education of many prisoners is well known, and we ought to be able to say that we have done our part toward giving them at least rudimentary training. I commend this subject especially to the chaplain's section and hope for some definite action that will show an awakening of our Association to its importance.

It is a pleasure to know that there have been great changes in the discipline of the various prisons in the last few years. The solitary and various modes of punishment have given way to more sane, and equally effective, systems of enforced obedience to the rules of the prison and the rules are now made on more humane lines than ever before. The old methods are known only where there has been persistence in disobedience, where forbearance has ceased to be a virtue and it has become necessary to make an example of the offender.

I commend to the wardens the matter of a full and free discussion as to the practicability of a regular dining room for the prisoners. Such a plan has been adopted in many States and is proving quite successful from the standpoint both of economy and of health. It is a purely practical matter, but it will bear frequent discussion. There is much, as I have found by experience, to be said in its favor and it is possible there is something to be said against it.

I have only had sufficient time to touch briefly on a few of the vital problems that concern us in our work, but I believe they are real issues in a truly noble campaign to ameliorate the conditions of thousands of unfortunates with whom we have to deal. This Association has long done its full share in this work, and I know that this meeting and its discussions will bring us nearer to the goal.

In conclusion, I hope that when the time comes for us to go back to our homes, and to our various institutions, everyone will feel that it has been a week of pleasure, a week rich in suggestion and in helpful ideas for our work.

Following adjournment, an informal reception was tendered the delegates by the local committee, in the banquet hall of the Auditorium Annex.

## CONFERENCE SERMON.

Sunday Morning, September 15, 1907.

REV. JOHN BALCOM SHAW, D.D., CHICAGO, ILL.

"Zaccheus, make haste and come down; for today I must abide at thy house."—Luke xix, 5.

This man was saved by being believed in. No one else at the time seems to have trusted or even respected him. He had sold his honor, and acting upon the principle—a pretty sound principle it is, too—that when a man sells his honor he disposes of about everything he has that is worth while, his neighbors withdrew from him their confidence and thenceforth held him in utter contempt and untempered suspicion.

How had he sold his honor? By becoming a Roman tax collector, or, as he was officially known, a publican. That branded him in the sight of his countrymen as a traitor. Rome was to the Jew a usurper, and, though he was under the heel of her subjugation, he had never ceased to resent and resist her control. How had she trodden Israel's glory into the dust! With what ruthless profanity had she despoiled her holy altars and driven a hot plowshare through her dearest and most sacred tradition! Pay taxes to an alien government like that? Never, except under protest. And for a man who called himself an Israelite to exact such imposts from his fellow citizens and neighbors was to them the very depth of degradation, disclosing a nature so base and calloused that they could not do less than despise him.

But more! He had sacrificed his conscience also when he stepped into that tax collector's booth. No one could hold the office at that time without being compelled to be merciless, not only exacting what was unjustly due from the competent and sensitively conscientious, but subjecting the poor to the severest hardship and sometimes torture in order to secure the Roman levy.

Would you form some idea of what this man was compelled to stoop to? Go to Palestine and follow the present farmer of



taxes about upon his rounds. The story of his brutal exactions is one of my saddest memories of Lebanon. "See that threshing floor yonder?" asked a classmate, now a missionary in that country, as we were riding down the Lebanon Valley. "There you will find the secret of almost all the poverty hereabouts. When the harvest is gathered the people bring it there to thresh, and after it has been threshed they roll it into a heap and send to the tax collector up at Damascus to come down and take his toll. 'I must have the whole half of it and not a grain less,' is his reply. 'The whole half of it! What, then, shall we give our children and our cattle through the long winter?' 'I care not for that,' is his brutal response; 'though your children and cattle all perish, I must have my full share.' Still the people protest and still the hard-hearted Turk insists, until the clouds begin to gather and the long-delayed rain threatens to fall. Then the people, in sheer desperation, rather than have their whole harvest destroyed, let the monster take his half and settle down to a fight with poverty the rest of the year, facing the prospect of having the difficulty repeated when harvest time comes round again." Zaccheus was not many removes from this Damascus tax-farmer, for among the publicans, we are told, he was chief. How, then, could he have expected the confidence of his neighbors, much less their esteem and good will?

But now there comes to Jericho from the north one who does believe in Zaccheus. Behind that repulsive exterior, that superficial, selfish life, He beheld great depths of worth and possibility. Zaccheus was to Him not as bad as he seemed, and hoping in him when he had almost ceased to hope in himself, confident He could redeem the man from his baseness and greed, He cried up into the sycamore tree, "Zaccheus, come down, for today I must abide at thy house." Instantly the man feels a pull at his heart that he cannot resist. Strings begin to vibrate that have not sounded since childhood. It was like a shower in the desert, like the resurrection trumpet sounding across some cemetery. His better, deeper self had been spoken to and must answer. Hope's taper, which had burned so low that he thought it had gone out, flamed up once more within his soul. Leaping to the ground—

he was so much excited, I have sometimes thought, it must have been a drop instead of a jump—he conducted his distinguished Guest to his home, and quicker than it takes to tell it, Jesus was at his table pouring into his eager ears the glad news of the Gospel and sending into his long-closed and arid heart the healthful, life-giving streams of redeeming love. Jesus had found the man's heart and his heart found him. Immediately he became transformed. His purpose was changed, his standards elevated, his nature ennobled. Love had completely triumphed. Taking what was dearer to him than honor, country, reputation or friendship—had he not sacrificed all these for it?—he laid his wealth at his new Master's feet, saying as he did so: "Behold, Lord, the half of my goods I give to the poor; and if I have taken anything from any man by false accusation, I restore him fourfold."

Jesus' method of dealing with Zaccheus was characteristic. The world's policy is to regard every man unworthy until he proves himself otherwise. Jesus chose for his first principle to believe every man worthy, whether he had yet proved it to the world or not, and to give that worth an opportunity to assert itself. Here is a woman who has sinned grievously against virtue and purity. The magistrates behold her and cry: "Stone her until she is dead." Jesus looks upon her and exclaims: "Let him that hath not sinned cast the first stone." Here is a man who has flagrantly broken the law of the land. The best that the State can do for him is to shut him away from society and execute him by that most painful and ignominious of all forms of capital punishment, crucifixion. But Jesus, though in dire agony, has compassion on him, loves the best within him into expression and then bestows upon him eternal emancipation in the memorable promise, "Today shalt thou be with me in Paradise." Here is a fallen woman whom everybody shuns. Society has ostracized her. Jesus, chancing to meet her one day, loses all thought of His journey, urgent as it is, in a compassionate interest in her welfare, and when He takes His leave of her a few hours afterwards she goes back to her kinsfolk a changed woman.

Professor Peabody of Harvard has recently said that moral

education begins, not with the teachableness of the pupil, but farther back in the teacher's faith in his pupil. It is because Jesus began there that He became the supreme moral teacher of all time. This will explain His success with His disciples. They were all men of limited endowments and many perverse passions as yet unconquered. But Jesus discovered their worth and appealed to it; He trusted them; He put great responsibility upon them, the result being that His success has been the wonder of the world ever since. As Ian Mac Laren has said in his "Mind of the Master"—and how tenderly we pronounce his name these days, for our hearts are much the colder and sadder since he left us: "He treated men as the sons of God, and His optimism has had its vindication." It was His faith in Peter that kept him from despair and ruin. How easily severity could have damned his life. It was His confidence in John which converted the irascible, selfish, vehement Son of Thunder into the grand old man of Ephesus, gentle as a dove, kindly as a woman and benevolent as an angel. But what of Judas? Did Christ not fail with him? Not utterly. I can fancy Him saying to his disciples as they grew discouraged with Judas and would counsel his expulsion, "No, we will give him yet another chance, though it be hoping against hope;" and His tender mercy made its impression even upon the flint-hearted betrayer. Had it not been for Jesus' abounding love, Judas would have betrayed Him months before, and when he had committed the foul deed, would never have come back in bitterness of soul, confessing that he had betrayed innocent blood. No, Jesus did not fail altogether with Judas. "Love never faileth." It is the all-conquering law of life. Jesus is the only leader of men who has dared to trust love to its utmost limit. He gave it full sway, and how unquestioned and unparalleled the result! Under its ministry base men were loved into nobility, foul women were restored to virtue, thieves were converted into saints and those who had been exiled from state and society made fellow citizens of Heaven. Today, though nineteen centuries have passed since He lived His earthly life and did His incarnate work, we are rewriting the science of political economy, as a great professor of sociology has recently

declared, under the influence of His teachings, and His is still a charmed name among the poor, the tempted, the unfortunate and the fallen.

It is this gospel of another chance, of unstinted and unrestricted love, that I come back to my pulpit today to preach and to live henceforth as never before, and it seems to me to have a solemn appropriateness both for our own church as she starts forth upon another year of beneficent service to this neighborhood and city, and for the honorable body whom we have the privilege to welcome to our service this morning. This is the gospel which has saved us, men and women, and it is the only soul-saving, life-transforming gospel there is. We deny the Christ when we preach it to the better classes and shut it away from those at the bottom. It is the only thing that has kept us from being where they are and the only thing that will put them where we are.

Phillips Brooks was once asked to speak in a jail and declined, but afterwards he reconsidered, saying: "I thought I had nothing in common with the poor fellows, but, on the contrary, I have so much in common with them that had it not been for the mercy and grace of God I might easily have been where they are." If we are honest, ours will be a like confession. Nowhere is this gospel so much needed today as in our prisons. Sinai has too long thrown its dark shadow of desert, severity and heartless compulsion over the corridor and cell. It is high time that Calvary's light of mercy and love were permitted to dispel that shadow. Fifty years ago Dickens inveighed with the power of his genius against the loveless prison systems of his day, making tender appeal in *Little Dorrit* for their reform, and Charles Reade, with graphic pen, cited the pathetic instance of Andreas, the fifteen-year-old lad who, though sentenced only for petit larceny, was put on a bread and water diet, deprived of bed and light and finally condemned to a straight waist-coat and strapped to the wall. From sheer desperation he committed suicide by hanging himself in his cell, and Reade indignantly declared that the English prison system was everywhere manufacturing rather than reforming criminals.

We boast of having made much improvement since then, but we are a far way off yet from the model and method of Jesus Christ. In one of our State prisons a young man in whom I have long been interested, and whom I regularly visit, was within the past year kept for ten days in a rayless dungeon and given but a crust of bread and a gill of water a day, because he had rebelled against a compulsion which, despite his appeal to the prison doctor, required a form of labor for which a physical defect entirely disabled him; and not content with the exercise of such severity, when those ten days were over the warden ordered him locked in his cell for the succeeding month. As a few weeks ago I looked through the iron grating into his pale and hopeless face and heard him tell the story of that cruelty, adding at its close these bitter words: "Oh, sir, you can never know how hard it is to do right in here; how little chance is given to a man; how money and not merit counts with officials that are over you," I felt we were not very much beyond the days of Dickens and Reade, after all; for I know the record of that boy, his poor drunken lineage, his bad home influences, his early evil associations, his lack of education, his inferior, almost negative, religious privileges. Why is he in prison today? Because he did not have any chance, and yet that chance the state and the church are denying him still. Under proper training and influence, with a patient, trustful tutelage of love, that boy could be redeemed; but a Christian community, yes, a Christian church, is withholding from him that entitled redemption.

Men and women, is it right? No, it is not right, and so long as such things exist among us, our consciences cannot be clear and our hearts ought not to be at rest. Think you our Master would be at peace before such conditions as these? Think you we can ever have His full approval so long as we let our prisoners go unvisited, unprayed for and undefended? Nay, never! These unfortunate ones—indeed all who are down—must have a chance given them to rise and redeem their past. Even the criminal has another and better side, if only a Christian community would address it. He is where he is not from malicious intent usually, but through weakness, heredity or neglect. The poet is at the

heart of truth when he sings: "O, there is slumbering good in all."

I thank God there is a group of large-hearted, humane men who have so far caught the spirit of the Christ and so implicitly believe in His method that they are trying to give the criminal his due chance. Shall the church interest herself in this Prison Association? How can she do otherwise and keep her charter? It should not have to appeal to her for sympathy and support, but be justified in accounting her help its first great asset. Gentlemen, let me assure you of this church's interest and prayers and co-operation. Over this sacred desk I extend you my right hand this morning. It is woefully weak, I know, but it has been once for all consecrated to the ministry of love, and were I to withhold it from so Christlike a cause I would be a traitor to my Master. The hard law of vindictiveness and punishment has had its long, sad day and failed utterly. As one of our number, speaking before the convention of a year ago, so well said, "Punishment is only manufacturing criminals. The great majority come out worse than they went in. A man finds it not only not easy to reform but that he is not expected to reform." That, surely, is consummate, inglorious failure. The tearing down of all our prisons could scarcely bring worse results. No, Sinai has had its full chance and failed. Now let us give Calvary a fair chance, a whole, unfettered chance, and see what it can do. That done, it will prove itself the master here as it has everywhere. Our modern prison is crying today, not for a cross of punishment and suffering—its victims have hung there long enough—but for a cross of compassion and pity.

## **SUNDAY EVENING SESSION.**

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The Sunday evening session was held in the Auditorium Hotel. President E. J. Murphy called the meeting to order. After music, prayer was offered by Mr. Alex McMillan, secretary of Prison Work of the Salvation Army, Chicago. Hon. Julian W. Mack, judge of the Chicago Juvenile Court and chairman of the Committee on Prevention and Probation, then made the following address:

### **PREVENTION AND PROBATION.**

**HON. JULIAN W. MACK, CHICAGO, ILL.**

I feel some hesitancy, in an assembly composed principally of experts who are devoting their lives both to the study and to the practical administration of the problems of prevention and probation, even to suggest any views of my own on the subject. My only claim to a right to talk is the experience I have gained during the three years ending tonight as judge of the Juvenile Court. But one cannot sit in that court for that time without giving thought to these problems; without gaining some knowledge, through observation of the children coming before one, as to what is the best method of dealing with the wrong-doer. The first fact in present day methods which strikes a student of English Common Law is the separation of the adult and the child. A fundamental principle of the common law is that when a child has reached the age of criminal responsibility, and that may be as early as seven years, no distinction is made between the child and the adult. If one or the other breaks the law and injures the majesty and dignity of the State, the State demands vindication and punishment. We have now reached a stage in civilization, due not entirely to the juvenile court law, because it had some

forerunners, but principally to that sort of legislation, at which we distinguish between the child and the adult, and one of the main reasons for this distinction is that we may prevent the child from becoming an adult criminal. The work of the juvenile court may be regarded from the standpoint of the problem of the adult criminal, as a work of prevention; therefore, in considering prevention and probation of the criminal, a few words in regard to the juvenile court law are not out of order.

There are two theories in juvenile court legislation. In many States power is given to suspend a child's sentence and place him on probation, but in all other respects the criminal laws are practically unchanged. The child is tried as a criminal under better methods than before; if found guilty, instead of being imprisoned he may be given a suspended sentence. That is not the theory in Illinois. We have gone a step beyond that. We have said that a child that has done wrong may be taken in hand by the State as its higher parent, the ultimate parent of all the children within its borders, and may be dealt with by that parent just as it deals with a dependent child, not as a criminal, but as one who is going astray; one who must be taken in hand by the higher parent because of the neglect or failure of the natural parent to train him into good citizenship. That is the basic principle of our juvenile court legislation and a new conception of the method of dealing with one who has broken the laws of the State. Under that theory the court must determine how that child can be brought back to the right paths, how that child can be made to become a good citizen. And here probation has found the largest field for its work during the past ten years.

Probation for the child has been established wherever the juvenile court laws have been passed. Without it there would not be much to juvenile court legislation. If all that we could do were to put the child into a school instead of a prison, we would not have reached a very much higher plane than that on which we stood before; but we have adopted as a fundamental principle the doctrine that there is some latent good in every child that ought to be brought out; that the place for a child is a home, and not an institution, and that the best place, if it be



at all possible, is the child's own home. Therefore, as long as it can be done with safety to society and with helpfulness to the child, the child is sent back to its own home. But it is not sent back with merely a word of good advice. If the child has reached a stage of delinquency which has compelled the notice of public officials, evidently it has gotten out of harmony with society and something more is needed to bring it back into its true relation. The probation officer aims to supply this missing link. The probation officer aims to act not merely as the representative of the court, to enforce the rules that the court may lay down, but as the representative of the parental power of the State, seeking to stimulate the child, to supply that friendly interest, that parental feeling, of which the child may be in need.

Obviously the probation officer needs training, to be able to perform these all-important duties, and one of the difficult problems in this work is to secure the proper probation officers. We are trying to get them in Illinois through the civil service law, and I believe we shall secure as good officers as could be obtained through any other feasible method of selection. There are now in New York, Boston, St. Louis, Chicago and possibly elsewhere, schools of philanthropy which aim among other things to train men and women to perform the difficult duties that attend the position of probation officer.

We are but in the commencement of the work today and cannot as yet give any very definite figures as to results. But this much is certain—the former methods produced no good. To throw a boy into jail, to contaminate him by contact with the criminal adult, was found to make him worse. Possibly in many cases probation has not succeeded in doing all that its friends hoped for, but certainly it has not made the boys worse.

Probation, however, is not the only thing that the juvenile court relies upon. The stage is reached in the career of a boy when he cannot be left at home. Either the home is unfit for the boy or the boy is unfit for the home. He must be taken away from his surroundings and sent somewhere where his entire mode of life will be changed. The boy that gets into that condition generally needs an education, needs an industrial training, needs

surroundings that life in the country affords. He is generally the child of the slums, coming from a home of debauchery and neglect. When probation has failed to produce the right results and the next step must be taken, are we doing our duty to the boy if we send him, not to a jail forsooth, but to some place that we call a school, but which is in fact a prison? Not only are we not doing our duty, but we are violating the very laws we are supposed to be administering. The theory of the juvenile court legislation is that that child shall not be treated as a criminal at all. If he cannot be left at home with the aid of the probation officer, he ought to be put into a school that is a real school. He ought to be placed amidst surroundings where he will receive such care and love and training as you would have your own child receive, and it ought to be our first duty to see to it that the institutions to which we send these children are of the right kind.

I listened with pride and pleasure last night to what the president had to say about Illinois, and I wished in my heart that much of what he said were not merely a hope. I wished that when he spoke with such pride of Chicago as the birthplace of the juvenile court that we who have been administering that law could say that we are administering it rightly and that we are proud of our work. But I regret to say that we are not at all proud of much that we are doing and that Chicago can bow its head in sorrow that the judge of the juvenile court is compelled to send so many boys to an institution that ought not to exist in this city. Our John Worthy School has been well administered, yet it ought to be wiped off the earth. Why? Because we are sending from 200 to 400 boys there, into a congregate institution, and we say we are sending them to the John Worthy School. We are not. We are sending them to the House of Correction. The House of Correction is an institution for adults and for juveniles. A high brick wall separates the two and that is all. It has one board of trustees and one superintendent. And the boy that goes out there realizes that he is not going to a school, and before he comes out he realizes that the State of Illinois and the city of Chicago have not done their duty by him;

that they have not given him that which this class of boys needs so much, contact with mother earth and nature, home life and a thorough industrial training so that when he steps out again into the broad world he may be fitted to do a man's or a boy's work. No, he is kept there and given only a public school education. He needs that, but he needs a great deal more. I say nothing against the superintendent or the board of managers of the institution, because I know them to be most excellent men; but I say to the mayor and the council, and to the citizens of Chicago, that they ought to rise up and do their duty by the children, and that as the State of Illinois and the school at St. Charles can not give the right training to all of the boys that need it, the city of Chicago, great and rich and beautiful, ought to take care of its own by erecting a proper farm school on the cottage plan, where it can give these boys the industrial education they need so much. We must have these schools, I say again, if we are going to do our duty to the children.

The real work in the world, however, is not so much to cure those that have gone wrong, as to save them from going wrong. We must try to prevent them from reaching the stage where they must be brought to the juvenile court. It is a great fancy which has taken hold of some of our people, especially the women, that the juvenile court is a great good, an end in itself. It is not. It is merely a part of the machinery of the State, a better method of doing that which the State has always attempted to do. It is not a positive good to a boy to be brought before the juvenile court, or before a wise judge who is going to give him some sound advice. It is infinitely better for him if he can be kept away altogether, if he can be taken in hand early enough so that the evil tendencies which may be developing in him may be checked.

That problem leads deep down into the roots of our civilization. We cannot hope completely to solve it until the social millennium shall have arrived, but we can do a great deal toward its solution. We can study more deeply than we have heretofore, the problem of truancy, the first step toward criminality. In the schools in New York and some other places they now have not

merely medical inspection by the Health Department to prevent contagious diseases and thereby to protect the community, but medical inspectors and nurses to examine into the mental and physical fitness of the children to continue in their course of education.

Let us not stop with putting a book into a boy's hand and giving him a teacher,—let us find out if he is capable of learning. Let us give to each child the proper education. Do not let us wait until the boy is a criminal. Let us put manual training into the schools from the first grade up and not merely in the eighth grade. Put it especially in the third and fourth grades where the tendency toward truancy is greatest. Examine the children and find out whether they have defective vision, adenoid growths or other ills and then compel the parents to see to it that they are properly treated. The average layman has no conception of the connection between adenoid growths and the penitentiary, and yet it is plain to any one sitting in the juvenile court. The child cannot breathe properly. He gets nervous, is fretful. He makes the teacher fretful, because the teacher, with fifty or more children, cannot spend the necessary time with that worrying little fellow. She cannot give him individual care and generally does not find out what is the matter. What is the result? The boy naturally begins to "bum." Then he drags several others with him. There is no fun bumming alone and no fun merely bumming when there is a railroad and some freight cars around. Those freight cars and their contents look too good to those boys. They cannot help breaking the seal and stealing the oranges or grain. They get into trouble with the police and into the juvenile court. That is the first step. You can trace it back to the undiscovered adenoid growths which caused the wrong breathing. Give him the right treatment at the start and you check the first tendency toward wrong. This is only one of the many problems.

And then the boys need not merely work. They need play. Every human being needs play. Give them the necessary playground. A school without a playground is a disgrace to American civilization. But we must go beyond that. We must super-

vise their play and see that the boys and girls learn to play in a way that will be helpful. We must realize that "the gang" is the most human thing in the world. We cannot eradicate it, but we can convert the gang into a team, pulling not for bad, but for good. Our public parks, municipal playgrounds, vacation schools, classes for the sub-normal, all of these things are part of the great work of the world; the work, not of cure, but of prevention.

Now let me say just a word about the adult. If probation is a good thing for the child, if the child can be kept from becoming a criminal by being given a chance under proper supervision, notwithstanding the fact that it has gone wrong, why cannot a great many of our first offenders be dealt with in the same way? Why must we take them away from their families and lock them up in a cell and degrade them in their own sight and in the sight of their fellowmen, without any consideration of the influence of their environments, of the conditions material, mental and physical that caused the crime? Why must we continue to ask merely, what has the man done? Why should we not begin to ask in addition, what is this man and how has he become what he is? Why should we not entrust to our judges the power and the duty not merely of sentencing the convicted prisoner, but of determining from all the surrounding circumstances, including the entire life history of the wrong-doer, whether it would not be best both in the interest of society and of the offender, particularly the first and the youthful offender, to place him on probation?

I do not for a moment contend that punishment as such is not proper in many, perhaps in most, cases. I do not for a moment contend that the deterring influence on others should ever be lost sight of, and I like particularly the explanation given by Mr. Wines of the relation of the indeterminate sentence to this deterrent influence in the administration of the criminal law. But punishment and deterring influences and even reformation in a prisoner are not the entire solution of the problem. If our duty be to save society and at the same time to save the individuals composing society, we must go beyond all this. We must study the man and determine from that study what is best to be done.

My field of work, however, has been probation for children, and I therefore leave to the other speakers a fuller discussion of the subject of probation for adults.

The next speaker of the evening is one who needs no introduction to the members of this body. For the benefit of the Congress I will say that Mr. Homer Folks is now the president of the new Probation Commission, established in the State of New York, and no one to my knowledge has made the study of probation that he has made.

## ESSENTIALS OF PROBATION.

HOMER FOLKS, NEW YORK, N. Y.

In the little time I shall occupy I wish to speak more particularly of probation work as applied to adult offenders. I suppose that in the State of New York we have more different kinds of probation, and probation administered in more different ways, than in any other state of the Union. We have courts in which all the probation work is done by salaried officers, and we have courts in which it is all done by volunteers. We have courts in which it is all done by women, and courts in which it is all done by men. We have pretty nearly every conceivable sort and type and kind of probation work. It is from a study of probation work as carried on in the different cities of our State that I bring a few ideas as to what are some of the essential features in successful administration of probation.

If we look back, even most superficially, over the treatment of crime and of criminals, we must be struck by the fact that the community has had a peculiar lack of resourcefulness in dealing with crime. With an infinite variety of circumstances leading to the commission of offenses and with an infinite variety of offenders, we have had but two or three different sorts of treatment for them. For this reason, among others, the probation system, a comparatively new plan, a new tool, it seems to me without question has come to stay. It seems to me to have elements of great value, which would insure, without any large

degree of agitation, its permanent adoption as a part of our institutions. There are, however, as is the case in the use of all new and finer mechanisms, new difficulties, new dangers and new troubles.

I should suggest as being the first essential to successful probation work the fact that the judge should wish it to succeed. One does not go very far in studying probation before he comes to have a somewhat different conception of magistrates and judges and courts and all the factors that are concerned with the administration of criminal law. They are human, and sometimes they are very human, and therefore I mention as the first essential the fact that the judge who administers the law should wish to have it succeed. That wish should be stronger than the wish to find a plausible reason for releasing on probation, instead of committing to prison certain particular offenders. The judge's desire to see probation succeed must also be strong enough to give him the courage and strength to do something when a probationer violates his terms of parole and treats the clemency of the court with contempt. If the offender is still allowed his liberty and no notice taken of his repeated offenses, you can not expect probation so administered to succeed.

If a judge has the right interest in probation work it will first lead him to a proper selection of those who are to be placed upon probation, for like most new things probation, good in itself, is not good for everybody. It is not a panacea; and it is, I was about to say, a greater mistake to apply it indiscriminately than not to apply it at all. It can not be said to be a wise use of probation to place on probation sturdy beggars of the street who use street begging as a means of securing contributions and in the absence of successful appeal do not hesitate to resort to force. When, as in one case that I recall, two street beggars who committed highway robbery, were released upon probation, though having no residence in the city in which they were so released, and when they failed absolutely to report to the probation officer or even to come to his knowledge, and when they were subsequently rearrested for begging in the street within two weeks under precisely similar circumstances to those under

which the robbery was committed, and when it was again held that that behavior did not constitute a violation of parole and they were allowed again to go free, that indicates a state of things which to my mind is absolutely incompatible with the successful administration of adult probation. Equally so it seems to me that when it is announced that no children will be committed to institutions, and when a boy is solemnly told with plenty of good advice that he will be released this time but if he does this again he will certainly hear something drop; and then when he does it again, and is brought before the court, he is again advised that he will be allowed to go this time but must bear it in mind that if it happens again he will be sent away, and so on, three, four and five times—that state of things in my judgment can not be said to be compatible with successful probation work. The essential conditions under which probation can be successful are lacking in the court itself.

I should indicate, as the second essential, that the probation officer must wish it to succeed. He must regard the probationer as a person whom he desires to help—not under any circumstances as one from whom he can derive some benefit. It is a striking fact that a week ago tonight three men were arrested in one court in the city of New York under circumstances conclusively proving them guilty of attempting to bribe a probation officer in order that he should recommend to the magistrate whom he served the discharge of prisoners from the workhouse to which they had been committed. He was a magistrate recently appointed and his probation officer was a new probation officer. Apparently this thing had never happened in any other case, for no other probation officer had ever made the fact known! But it is a little curious that each one of these three men thought that twenty-five dollars was the correct sum with which to secure an effective action upon the application for release. These are circumstances under which probation can not be expected to be successful.

As to the qualifications needed for a probation officer for adults, that is certainly a difficult question. I think training counts for less, perhaps, and natural aptitude for more, in the



case of probation officers for adults than in such officers for children. I remarked recently, concerning the qualifications of a good probation officer, that a man who possessed all the virtues and qualities which would make him a thoroughly first-class bishop might perhaps have a fair show for success as a probation officer. Certainly it demands the highest range of the virtues. Plenty of gentleness and at the same time plenty of sternness; plenty of human kindness and yet not easily to be imposed upon. I recall a probation officer who seemed on the whole, I think, to be among the best who appeared before our State Commission. We summoned practically all of them. He was a farmer who had come from one of the upper counties of the State of New York and had become interested in this work—a rough diamond. There were some criticisms of him. It was said that when one of his boys went wrong and he found him in a bad place he was terribly profane, and I can believe he was. It was said that when he found one of his young men in a place where no young man should ever be, that he took him by the collar and unceremoniously, not to say impolitely, assisted him to depart immediately to some distance therefrom. When I asked him how long he looked after his boys and after what length of time he felt reasonably sure of their future conduct and would recommend their release from further oversight, he said, "Well, after they have done real well for three or four years I do not visit them so often, but I think that a life time is not too long for a real good friendship between a probationer and his probation officer." That was the kind of thing we liked to hear. It had the real ring about it. He knew what he was doing.

I would mention as the next essential that the probation officer must really know what his probationers are doing. It will be surprising to you, as it was to me, to find that in so many cases they do not know much, if anything, about what is really going on, and the easiest, cheapest kind of a boy, to say nothing of a man or woman, will, so to speak, pull the wool over the eyes of the probation officer. I recall an extreme case. Not more than three months ago in one of the suburbs of New

York a girl of fourteen years was assaulted and murdered. A wandering vagrant was found nearby and was arrested on suspicion. The evidence was strongly against him and the district attorney was convinced that he was the guilty party, but the grand jury thought otherwise and refused to indict him. They were all convinced that he was a defective, if not a degenerate, and that he was a dangerous man. He confessed to the crime. He said he did it. Yet the grand jury felt that he had not enough mind to say whether he was the man or not. In his pocket was found a letter from a probation officer recommending him as a worthy person and commending him to employment by those to whom he might apply. Not very near did that probation officer get to the possibilities of the person who was under her supervision.

The probation officer must not merely be a collector of information for the court, not simply a colorless reporter of what is going on, but must be an active agent for the assistance and reformation of an individual, and that I should reckon as the most important of all the essential factors: that the probation officer shall be a formative factor for securing the improvement of the conditions of the living of the probationer. The term of probation must not be too short. If a boy must be committed to a reformatory institution for a long term in order that we may judge when he has altered his ways; if under the exclusion of other influences that accompany such a commitment it must be nevertheless for a period of years, what can we say of the expectation that a boy on probation will tell the story of his future in thirty days. At the end of thirty days he has not forgotten how the judge looked. The good advice will last thirty days and at the end of that period the real work of the probation officer must begin to tell.

Then as the next essential, we in various communities must have much more accurate information as to how the thing is working. It must not be possible for us to be told that of all the children placed on probation in a certain court, no one was ever subsequently rearrested and recommitted; and then find out that plenty of them were, only it was around the corner at

a different court. We must know how it works out. We must develop a much more careful piece of machinery for probation work. We all respect and have the highest admiration for the judges who administer our juvenile courts and for those who administer the courts for adults. Nevertheless, I venture to say that the court itself, with the amount of work crowding upon it, and in view of the essential character of its work, can not successfully direct the details of probation work. There must be, it seems to me, a well-organized scheme for selecting, directing and controlling the various probation officers. They must not work as individuals, duplicating each other's work. We must work out a good plan and see that the plan is made to work.

And, further, we in New York at least have reached the conclusion that we must have some form of State information, State supervision, State investigation, of how the probation system is working in various parts of the State. We have a purely discretionary law. Every judge may release on probation as many offenders as he thinks best. He may release each one on different terms. He may appoint as many probation officers or as few, or none at all, as pleases him. The moment any person is committed to an institution, reformatory or prison, the eye of the State follows him. The State visits and inspects the institution and, if need be, it makes an investigation. When we care for some of these people upon a somewhat different plan, by a different method of treatment, but one fraught with no less serious possibilities of evil, is it not logical and essential that the eye of the State should also follow the operation of the new system of caring for offenders? We have established therefore a permanent State Commission whose sole business it is to find out from time to time what is going on in relation to probation in different parts of the State; to publish for the use of all other officers and courts the facts in regard to those courts where it works well; to promote the use of probation where it is not in use, particularly in rural localities; to keep informed of what each probation officer is doing; and to recommend from time to time to the legislature such changes as in its judgment should be made in the laws dealing with probation.

Finally, one word as to the attitude of prison and reformatory officials toward probation work, for I am speaking, I suppose, largely to officials of reformatory and penal institutions. I find an increasing tendency on the part of some such officials to doubt the wisdom of probation work, to complain that the numbers who come to their care are far fewer than formerly, but that they come at a later and a lower stage, when their reformation is less hopeful. Now, it seems to me that it is incumbent upon each of you not to act hastily or indiscriminately in regard to probation. It has come, in my judgment, to stay, and while I would not suggest that you refrain from speaking your minds when it is used indiscriminately, when you see harmful results coming from it, nevertheless we do value most highly your co-operation and your help, and we need it and deserve it when probation is being applied faithfully and earnestly and with good purpose. We feel sure that no one of you would desire to have any human being deprived of his liberty if he can be successfully handled by a different course. Is it not the case always and everywhere that if a person can be dealt with successfully without being deprived of his liberty and without being made a public charge, that such is necessarily the wise course? Therefore, we look to you for wise criticism, careful discrimination and helpful co-operation in probation work that is being well done.

Judge Mack—Missouri is one of the forward states which have an adult probation law. We shall be very glad to hear from Hon. Arthur N. Sager, circuit attorney of St. Louis, on the results of adult probation in his district.

## RESULTS OF PROBATION WITH ADULTS.

ARTHUR N. SAGER, ST. LOUIS, MO.

In Missouri our courts deal directly with the prisoner without the intervention of a probation officer, so that my remarks must be confined to experience with the adult criminal under this system of parole. Prior to the last session of the Missouri legislature, the criminal courts were empowered to parole in felony cases those persons, only, who had not reached the age of twenty-five years—the statute excepting from its operation offenders found guilty of murder, robbery, arson or rape. During the session of 1907 this law was amended by a bill introduced by Senator McAllister and known as the “McAllister Bill,” which extends the right of parole to violators of our felony laws (excepting the specific crimes just mentioned) regardless of the age of the defendant, but which restricts the privilege to persons who have not been previously convicted of a felony. The law as it now stands is as follows:

“When any person of previous good character shall be convicted of any felony, except murder, rape, arson or robbery, and imprisonment in the penitentiary shall be assessed by the court or jury as a punishment therefor, and sentence shall have been pronounced, the court before whom the conviction was had, if satisfied that such person, if permitted to go at large, would not again violate the law, may in his discretion, by order of record, parole such person and permit him to go and remain at large until such parole shall be terminated, as hereinafter provided: Provided, That the court shall have no power to parole any person after he has been delivered to the warden of the penitentiary.”

Aside from the natural interest in such matters which we all feel, I have been particularly interested in the administration of the law because of the responsibility which I took in reference to its passage. It was my pleasure and privilege to introduce a resolution before the State Conference of Charities and Corrections then in session at our state capital, while the bill

was pending, in which its passage was commended to the legislators, and otherwise to encourage its enactment.

The fact that this law has been in operation only a short time and that the practice of paroling in felony cases has been but sparingly indulged in the past, renders it impossible to give you any valuable statistical data. I believe, however, that the results thus far obtained confirm the wisdom and humanity of this law which extends to all unfortunates—young or old—the chance of redemption and rehabilitation.

As our interest in the subject and our views concerning it have been largely controlled by local conditions and the local atmosphere, I fear that my observations will, to this extent, suffer in interest to those of you who are in no sense controlled by them. In the first place, there was some opposition to the bill growing out of a doubt or fear that the parole or extension of mercy to an adult offender was impracticable and inexpedient. Since the passage of the law the press and public to some extent, at least, have criticised its application and have urged the character of the offense in given cases as sufficient in itself to outweigh considerations of mercy and possibilities of reform.

I will, therefore, indulge in a few generalizations with reference to the parole of felony prisoners on probation and the objections raised to the law, and point out a few of the reasons which commend its application to sound considerations of public policy.

Society is very much interested in getting a man or woman in the penitentiary, especially for crimes committed against property. It has a contempt for the man who commits petit or grand larceny, but has not yet reached the point of discrediting him who passes the grand larceny stage and "gets his" in the realms of "high finance."

The prejudice against the common thief is such that any idea of extending him leniency or doing anything that takes him out of the class to which popular judgment consigns him, is met with emphatic protest. On the other hand, the public has no concern in the man who comes out of the penitentiary—having paid his debt—and so far as the public is concerned its only regret, if any, is that he is out.

It is to save from the dread consequences of a prison life and preserve the offender to useful citizenship that we apply the parole law.

It is urged that when a person reaches maturity, and especially if he has enjoyed the confidence of his fellows, his crime, then committed, is the more reprehensible, but this is the judgment of the casual or superficial critic.

There is no merit in the argument that one man should be punished more severely than another who committed the same offense, simply because of the differences in their ages. In fact, the idea and theory of punishment as a personal affliction laid upon the criminal is erroneous. Society is responsible for crime and gets but its due proportion, and it, therefore, should be treated on broader and higher grounds than that of a policy of retaliation. "Vengeance is mine," saith the Lord.

Again, there are considerations that weigh differently in each case, and if uniform punishment were inflicted by the law there would in fact result greater inequalities in the actual suffering, for a sentence that is death to one man is an indifferent incident to another. There are some men whom but to indict would be condign punishment. Between these extremes are all manner of men who must, if justice be done, be weighed each in his own scale. However that may be, the question is not altogether one of punishment of, or revenge upon, the individual offender; but it is a question of what may be accomplished with him, and through him, for the safety and betterment of society. If a man is sent to the penitentiary we may assume that he is lost to society—he certainly is crippled—and will never thereafter exercise unimpaired his full function as a factor in the social struggle. We are, therefore, concerned, not in the individual alone, but in his relations to the social welfare, and we inquire naturally what are the prospects of recovery in individual cases. And in this connection we are met with the assertion that leniency is proper, perhaps with the youth, but not with the adult offender. Why is it, that if it is a good and humane thing to extend mercy to those who err in their youth, it is not equally just and proper to extend the state's helping

hand to the man who has kept the straight and narrow path for the better part of a life time. Human experience induces the belief that a man who falls after a long and theretofore successful fight against the weakness within him and the odds without is more liable to get on his feet than one who errs in youth. All things being equal as to environment and opportunity, the man who succumbs at twenty gives less promise than one who has reached the age of forty-five, for it is safe to conclude that the younger man is inherently the weaker of the two and obviously the more unpromising subject for reformation. It is probable that the man of twenty belongs to the class known as the "criminally minded," while the older man is normally non-criminal.

As Drahts says: "The difference between the strictly criminal and the non-criminal lies in the fact that, like the mentally unsound, the slightest provocation or suggestion may induce him (the criminal) to the perpetration of the gravest offence; while, as we have seen in the cases of the normally constituted, the strongest incentives are seemingly necessary to push him into transgressional acts."

If resistance to temptation is great, if the moral protest is deep and sound, so much greater becomes the reason for mercy and indulgence, and brighter the promise of recovery. For it will always be found between the criminal and non-criminal mind that the former is distinguished by an absence of remorse. It has been well said that "remorse is the echo of the original moral protest," and we all know that deep and complete renunciation and remorse are conditions precedent to permanent reform. While remorse springs from natural and inherent instincts of right living, it also increases in proportion as man improves and progresses in the social scale. In the cases under our observation, we find without exception that the agony and suffering of the older offender, if it be his first offense, is far keener and deeper than that of the younger. Hence, I say, his is the better chance, "for its presence illustrates the difference between the permanent and temporary delinquent." Therein lies the test.

Of course, there may have been such erosion and decay in



the moral fabric of the older man that he is past hope of redemption, but I speak of the class who until the first downfall have maintained themselves in honest employment and in the esteem of their associates.

In the application of the law and the extension of mercy under its provisions there can be laid down no hard and fast rule, owing to the fact that each offense presents a case in itself, and that the same act committed under different and varying circumstances founded on different and varying motives, may assume different hues of criminality.

Lowell said: "God does not weigh criminality in our scales. God's measure is the heart of the offender; a balance which varies with every one of us; a balance so delicate that a tear cast on the other side may make the weight of error kick the beam."

We all know that some men are as surely morally deformed as others are physically, and that there is no possible chance for the reformation of such; so in extending leniency to the petitioners it is necessary to see each, get the history of his or her life, the circumstances that entered into the commission of the offense; and in our human, weak way undertake to approach the Divine administration of justice. If this is conscientiously attempted, the mistakes on the side of mercy will be few and far between.

The difficulties which are met in the application of parole laws do not lie in the motive or idea of mercy but in the manner in which courts, boards or commissions extend that mercy. We all have in mind systems of parole that are iniquitous and harmful in the extreme and whose only tendency is to encourage and perpetuate the criminal. The inherent fault in such systems is such that nothing but a repeal would obviate the difficulties that constantly meet their administration. I believe the Missouri law is good, and while it is true that valuable amendments suggest themselves from time to time, it has the great merit of putting up to the judge who tries the criminal the question of the extension of the state's leniency. Too often we find that the criminal has powerful political backing and that the agencies

of the powerful political forces with all their ramifications are centered on his release. A parole or pardon obtained under such conditions does the greatest damage, and it has been largely on this account that antagonism in the press and on the part of the public has been aroused with reference to the system and its application. The fact that a man's friends happen to have the ear of the political leaders, who, in their parlance, go "to the front" for him, should not militate against his chances, but at least it should be said that the fact of their interest should not in any sense weigh in his favor. If this is accomplished and the courts proceed unbiased, unprejudiced and uninfluenced to apply the parole law in their jurisdictions, they will work more for good and humanity than all the penitentiaries that blot the land.

In the administration of this parole law in my jurisdiction, many instructive and interesting, amusing and pathetic cases have been observed. I will be able to relate but a few and will begin with one which occurred before the new law including adults went into effect:

(A) Charge, embezzlement, and with being an habitual criminal; age 33 years. This man, who was a driver for a large retail dry goods house, had purloined almost forty dollars' worth of articles left in his care and sold them for three or four dollars. He was charged with embezzlement under our habitual criminal act. It seems that since his release from the penitentiary for his original offense he had married a respectable young woman and that they had a child about twelve months old. The wife, with babe in arms, appeared, suing for mercy. She was about to be ejected from her lodgings and was without relatives, friends or money. The man was over age as the law then stood and could not be paroled. The facts showed that when the offense was committed the family were reduced to want; were actually suffering for proper food, and that the proceeds of his theft were devoted to relieving the wants of his family. I took the case before the grand jury, then in session, and left it to twelve unemotional men to say what should be done. Of course, they spoke unofficially, for the charge was pending. They

promptly and unanimously asked me to discharge the prisoner, and after making up a purse for the wife, called her in. Words fail to describe the scene in its pathos and humaneness. The picture left is of a sad-faced woman, babe in arms, sobbing her thanks to those men and protesting that she did not want to take the money if it would in any way militate against her husband's release. This man has since his discharge been a hard-working and faithful man, and we believe will continue so. I might add that this case is unique in the fact that the detective department, which usually pursues this class unrelentingly, was in sympathy with the defendant.

(B) Charge, embezzlement; age, 48 years. This is another case of an adult charged before the new law was enacted. He was a carpenter and small building contractor. Money had been given him for material, etc., which he appropriated. It seems his trouble lay in drink. He took the pledge, was given a chance, and is now happy and prosperous, doing his full duty to a wife and three children.

(C) Charge, assault; age, 45 years. The crime was particularly aggravated and prejudicial to the defendant. The court called the parties in, secured the promise of reform from drink and granted the parole. He has since in personal contact and extension of favors kept in close touch with the delinquent. The result has been wonderful, and if it is permanent, will make this one act of mercy outweigh a hundred miscarriages of justice and mercy.

(D) Charge, manslaughter in the first degree; age, 30 years. In this case I had serious doubts. The court heard the appeal of the wife and father of the defendant. The crime was particularly vicious, though all too common, and our office had been particularly anxious to secure a conviction. Convictions had been rare in this class of cases, and we felt that the substantial verdict rendered should stand as a warning to others engaged in the same practice. The judge called me in, and, after all the facts were gone over, I agreed to assume the responsibility with him if a parole was granted. The prisoner left the state and started life anew, with every prospect, the confidence and love

of friends and family still being preserved to him, of becoming a useful citizen.

(E) Charge, highway robbery; age, 28 years. This case is one in which a plea and sentence of five years had been obtained. The prisoner, though never before convicted, was a police character, and in his confession admitted some fifty odd crimes against property. He aided in securing the conviction of six accomplices. He was paroled and is now a hard-working mechanic, steady and sober, enjoying the confidence of his employer and friends.

The percentage of paroles revoked in felony cases with us has been very slight, and in no case do I find record of the revocation of a parole granted to a fully-matured person. In misdemeanor cases, the percentage has been much larger, of course. Having no institution for adult first offenders, or, in fact, none for persons of that class over the age of eighteen years, much as it is needed, we have to take the responsibility of sending a man to the penitentiary or releasing him.

We, in Missouri, know that a sentence to our penitentiary is a sentence that carries with it far graver consequences than the mere imprisonment for a term of years, and that it might fitly be written above the portals of the grim pile of steel and masonry at Jefferson City:

"All hope abandon, ye who enter here."

We know that when the convict leaves these walls, his picture, description and record will be catalogued in all the great cities of the land; that the trained sleuths of the law are constantly on the alert to pick him up, interrogate and inform upon him; that he is as timid and helpless as a bird just released from the cage; that he feels that every man who looks him in the face reads his prison number and record. We know if his family is gone, his home destroyed, and his friends have forgotten him, he is as a wild beast—hunted, feared and despised. Knowing all this, and that with it all he is still one of whom the Master said, "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me," there will always be those of us in my state who will urge the liberal ex-

tension of parole work in favor of delinquents, old or young—making mistakes, no doubt—but always striving for that improvement of the individual which consists with social security.

Judge Mack—I trust that in opening the discussion we may have a word from Judge McKenzie Cleland, who has made the municipal court of Chicago in its criminal department so well known throughout the country, and that he will not let his modesty prevent him from telling us some of his experiences in paroling adults, despite the fact that we have in Illinois no law on the subject of adult probation. Our legislature passed a law last spring providing for suspended sentence, but the Governor deemed it necessary to veto it on the ground that he believed it unconstitutional in the shape in which it was drawn.

Judge McKenzie Cleland, Chicago—I want to endorse everything that has been said about the juvenile court and juvenile probation. I do not want to pose before you as an expert on this subject, because I am not. Prior to my going upon the bench ten months ago I had scarcely thought on the subject, but I have learned a few things that have given me some ideas, and briefly I will tell you what they are.

I have learned that the majority of criminals are made such through the use of intoxicating liquor, and when they commit crime they are in no condition either to determine the results or to remember that others have been punished for committing such crimes. If it were not for the clause in our statute providing that drunkenness shall not be an excuse for crime, there would be very few prisoners in the jails of Illinois because the majority of men who commit crime would be able to prove that at the time they were laboring under a form of temporary insanity. All that such criminals need is to be kept away from liquor, and that works as great a reformation as if they were imprisoned in your penitentiaries for fifty years.

I have learned that self-made reformation is of a great deal more value than prison-made reformation. It is permanent, or at least likely to be so, while the prison-made reformation is a good deal like the clothes furnished these convicts when they

leave the institutions. They look well, but the men keep them only long enough to enable them to get to the nearest second-hand clothing store, where they trade them off for something that looks very much poorer and is worth very much less, but which was not made in prison.

I have learned that the imprisonment of men with families oftentimes works a greater hardship upon the family than upon the criminal. In fact, I sometimes think the whole thing is turned around, and if the offender were sentenced to the wash-tub and sweat shop and the wife and children allowed to sleep and to be fed at public expense, the guilty would be punished more and the innocent suffer less.

Now, in discussing the juvenile court, it seems to me somewhat inconsistent as well as expensive to parole a boy and imprison his father; or to lock up a man and then, when his boy has committed an offense, to allow the boy to go at large and hire some one to take care of him. The Creator makes the father the unpaid parole officer of his boy, and if he does not serve in that capacity as he should he should be compelled to serve, and the law should be the compelling agent. If a man who is not doing his duty by his family commits a crime, he should be taken by the law, which Judge Mack described in his address as the parental power of the state, and compelled to do his duty. Judge Mack last week took six children from a filthy basement and distributed them among charitable institutions, the reason being that the mother was dead and the father had neglected his family for the superior attractions of the saloon. The juvenile court deals only with minors, and of course under those circumstances did the best it could. But suppose that man had been put upon probation and had been compelled to remain sober and work and take care of his children. Would not everybody have been better off? Would not the man have been better off? Would not the children? Would not the community? When Senator Beveridge made the statement in Congress last year that two million children were at work in factories and sweat shops, he should have gone further and told us how many of their fathers and mothers were locked up in our jails and peni-

tentiaries. That would have been information certainly interesting.

Now, perhaps, a good many people will say that it is impossible to make such a man as I have just mentioned keep sober and behave himself, but such criticism comes from a lack of knowledge of the facts. During the last ten months I have put upon probation 724 persons. Of those 724, sixty-three have violated their parole, seven of whom ran away and can not be found, while the other fifty-six have been committed to the House of Correction. Six hundred and sixty-one of the 724, a large number of them confirmed drunkards, worthless to society and to themselves and their families, have kept their promise to me absolutely, and are tonight working, industrious, sober men, supporting their wives and children.

Everybody seems to be in favor of adult probation except a few judges and a few legislators. In the district in which my court is located there are 300,000 people, and you could go over there with a search warrant and not find a man or a woman opposed to it. The business men and the police are in favor of it, because every paroled man who keeps his promise removes just one offender from necessary inspection and observation by the police, and if he violates his parole he gets the limit. The lawyer likes it because his client likes it. The business men like it because it increases the earning capacity of men and removes their wives and children from charity and supervision by the community. Four hundred business and professional men in my district have shown their faith in this system by agreeing to act as probation officers without pay, and personally call upon these offenders at least once each month and report to me whether they keep their word. I have received hundreds and hundreds of editorials from newspapers all over the world, commending adult probation. I have found but one newspaper that has criticised it editorially, and that was a Chicago daily paper, and I want to say for your encouragement that within one week after such criticism it suspended publication.

I went over to the great institution for the insane at Dunning

the other day and, by the way, I would suggest that you all ought to see that model institution before you leave this town. I found 1,700 inmates of that institution upon probation. They used to have cells over there for the confinement of these insane people, but they have torn them out and every one of the inmates tonight is on parole. In one building, at least, I saw nothing more than thin wire screening on the windows to prevent their getting out and away. I noticed the superintendent, as he went from one room to another, always locked the door, but I inferred that was to keep people from breaking in. It certainly was not to keep them from breaking out.

Day before yesterday a broken-hearted mother of a large family came to a friend of mine and made bitter complaint. Her husband of twenty years, ordinarily sober and industrious, loving and caring for his family, had acquired the habit of using liquor, and in a rage while intoxicated, cruelly beat her. Her friends, sympathizing with her, said to take him into the Municipal Court and have him put on probation. She went into the district in which she lived, caused his arrest, and when the case came on for trial she told the story of her wrongs and exhibited marks of the beating. The judge, who is one of our best judges, in righteous indignation immediately sentenced the man to six months in the House of Correction. The woman pleaded with him that she might take her husband home, and said: "I can do more for my husband than anybody else; what will become of me and the children?" But the judge was sworn to enforce the law. The woman went back home and will endeavor to support herself and children for six months. If that man serves his time he will come out of that institution with his reputation blackened, with his heart full of anger at his wife and at the law, hopeless and despairing. He will go to his impoverished home to meet his discouraged wife and children. He will be forsaken by his friends. He will be without employment. I am not criticising the judge. He was conscientious in the discharge of his duty and was enforcing the law, as he was sworn to do. That it is the law no one will deny, but that it is justice, twentieth century justice, God forbid.

Adjourned.



## MONDAY MORNING SESSION.

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President Murphy called the Monday morning session to order at 9:30 o'clock, and asked first for the report of the Committee on Indexing.

Amos W. Butler—As members of the Congress will recall, a committee was appointed, of which Mr. Eugene Smith was chairman, to index the earlier volumes of the proceedings of the National Prison Association. This index has been completed by an expert and printed by the U. S. Government. The first edition is exhausted and a second edition of 900 copies has been printed. I make the announcement in order to get it into the records, and at the same time to inform you that there is such an index. You can get it by applying either to Mr. S. J. Barrows, 135 East Fifteenth Street, New York City, or to the Government Printing Office, Washington, D. C.

It was moved and carried that the chair appoint Committees on Organization, Time and Place and Resolutions, and the chair stated that the committees would be announced at the close of the session. The meeting was then turned over to the Wardens' Association.

## THE WARDENS' ASSOCIATION.

### PRESIDENT'S ADDRESS.

FRANK S. RANDALL, ST. CLOUD, MINN.

The program of the sessions of the Prison Association promises us an address by the Honorable the Attorney-General of the United States on next Wednesday afternoon. I therefore take this opportunity to touch upon a matter within his jurisdiction.

A few years ago a young Indian, who had never lived away

from his reservation tribe in the Northwest, violated the law of the United States by introducing intoxicating liquor upon the reservation. He, and others, gave some of it to relatives and acquaintances, men and women, and conduct followed which was regarded by the authorities as being, and which was, unseemly, and the young man who initiated the scandal came under my charge, as a prisoner, on a fixed sentence.

At the time of his reception at the place of confinement his lungs were affected by tuberculosis, and the disease made rapid progress. At a consultation of physicians the conclusion was reached that the prisoner was not likely to live out his term, and as he had no one to speak or move in his behalf, I wrote a letter to the United States attorney, reciting the facts, and expressing the confident and well-grounded opinion that no harm could come from his release, and no good could come from his further detention; that, if set at liberty, he would at once proceed to his people, who would care for him during the few weeks of life that remained to him.

The United States attorney, moved by impulses which were to his credit, forwarded my letter to the Department of Justice, with the statement that there was good reason to believe that the representations which I had made were reliable, and he therefore urged and recommended that the prisoner be pardoned. The trial judge wrote in the same behalf.

As the prisoner came near to death, telegrams were forwarded urging action, and outlining the need for promptness, unless it seemed best that the young man should die in detention. No answer of any kind was received to any of the communications until after the prisoner's death, when formal notice of the denial of the alleged petition was received.

If the recital of these facts has any value, it is on account of what follows: I discussed the case with wardens of experience, and was informed by them that there was a traditionary practice in the Department of Justice of denying all applications for pardon or commutation of sentence in cases in which the warden had taken any action without being called upon for it. I wrote the Department of Justice asking whether or not I had been cor-

rectly informed, but received no answer. The Department ignored a letter asking if it was a matter of interest whether the institution should continue to receive federal prisoners, or cease doing so.

If, in times long past, it was wise and justifiable for the officials of the general government to look with suspicion on the statements of men in charge of penal institutions, in which United States prisoners were confined; to ignore their representations of facts concerning individual prisoners, and to distrust their motives in matters of pardons, it would seem that present conditions, and the personnel of the wardens, would no longer warrant such a position.

It is the hope of the writer of these lines that such relations may be established between the wardens on the one part, or some of them, and the Department of Justice on the other, that some method may be adopted by which the wardens who are esteemed to be truthful and well-balanced may be recognized accordingly in such communications as they may make to Washington, and that the poor prisoner who has no other friend than the warden may, on the latter's representations, be accorded the same treatment that is received by a prisoner who is enabled to employ an attorney to act for him.

Some changes have been made during the past year in the wardenship of prisons. Some were the result of death, failing health, or a desire to leave the service. Some were the result of political maneuvering. In this connection it may be noted that the names of some wardens have appeared in the newspapers in connection with political activity. Perhaps they were impelled to take a part by direction or influence of those to whom they owed their appointments. Perhaps a failure to serve politically might have seemed likely to imperil their tenure at the hands of incoming officials, but, whatever the cause, to the public it appears that some wardens are more or less politicians, and their acts are likely to cause all to be prejudiced. It seems that the only remedy lies with the chief executives of the states, who, by following the wise and patriotic course of the present Governor of Indiana, and other governors, may correct misapprehension,

and permit wardens to devote themselves and their best energies to the undisturbed service of their respective states.

A change occurred last year in the choice of governor of a northwestern state, and the present incumbent is a different party from that of his predecessor. Thinking that perhaps the one change augured another, I took the liberty, as president of the National Wardens' Association, to represent to the new governor the esteem in which the warden was held in our association, as a man and an official, and called his attention to the opportunity to put that position on a non-partisan basis, as other governors had done, under like conditions. I urged, with the endorsement of Governor Johnson of Minnesota, that unless there were reasons, other than political ones, no change should be made. A change was made. I am not advised as to the reasons.

We shall miss the former warden, whose name is on our program, while we welcome his successor, and express the hope that when he in his time retires, the action may be voluntarily taken, after a successful administration.

Yesterday many of the members of this association spoke on the subject of our work and wards, in the churches of this great city. We received respectful and earnest attention, and important facts were doubtless communicated to many thinking persons. It is a wise and valuable part of our annual gatherings, but there should be more of it. The American people are sympathetic, and they wish to be helpful. We point out the way toward improvement, but are obliged to add that the bench and bar honor too much the precedents and practices of the past; that judges and lawyers whose hair is turning white, or has disappeared, are not ordinarily inclined to take an active part in the establishment of new methods of criminal procedure. The lawyers practically learn by experience only that there is no romance in modern prisons, and that the chief reasons why men find their way to the criminal dock is that, in their youth, they did not have the influences of home, school and church, and that it is the province of the modern prison to supply the deficiency, as far as may be, and rehabilitate the prisoner.

Young lawyers do not know that the average convict client

does not respect them, but uses their services as a gardener uses a hoe, and that not one-half of the convicts can, in a short time after conviction, give the names of the attorneys who pleaded in their behalf before the jury—and afterwards before the court. They do not seem to realize that while the courts are expert in bringing to light facts relating to the past, no class of men can be relied upon to forecast the future; and that a definite sentence is tantamount to an attempt to prescribe far in advance, and without satisfactory diagnosis, for the moral ailments of the convict.

They seem not to realize the uselessness of sentencing any man for a fixed term, when it is so much more sensible and practical to commit convicted men to the care and keeping of those who have acquired skill in devoting their entire energy to studying prisoners, in the light of ascertained facts regarding them, and who can give good reason for their action touching each individual, which a sentencing judge usually can not do.

They deem it fair to acquit a client on a technicality, and take it as the fortune of legal warfare that he should be convicted on a technicality, regardless of the fact that it is wrong that any one should be either released or detained by reason of anything trivial. They lose sight of the welfare of the prisoner in their efforts to clear him. Some lawyers in their campaigns for re-election to the office of prosecuting attorney have used, as an election document, the record of the number of convictions secured by them, out of the possible aggregate.

Some *criminal* lawyers are in fact criminal *lawyers*, and in many communities unscrupulous and brow-beating men secure a large clientage in the criminal courts, because of those very characteristics. Cases involving the liberty and interests of men are often given less consideration than actions involving the title to cattle, and are sooner forgotten. It is almost universally thought a verdict of guilty is a singular misfortune to the defendant. A jail sentence, which must be spent in debilitating idleness, is almost always preferred by attorney and client to a committment to the best industrial and educational reformatory. The trial is often conducted as a serious contest between two law-

yers, each striving to gain an advantage in the issue, and the substantial interests of the poor prisoner are lost sight of. In fact, neither party to the strife is usually much interested in the prisoner, because he does not know that prisoners are interesting. We who deal with, and try to help, the product of the criminal court, begin to look longingly toward the time when the kindly proceeding and sympathetic solicitude manifested in the juvenile courts may be seen in courts where elder children face charges of delinquency.

Is it not true, perhaps, that we are in part to blame for the want of information on the part of the young practitioner concerning the convict, his tendencies, possibilities and interests? I conceive it to be important that no class should be graduated in law, or admitted to the bar, until its members have heard a few lectures from practical penologists. Let us offer our services in that behalf to the university and other law schools of our respective states.

I beg to call your attention to another matter that seems important. The visiting warden observes great differences in the prisons of the country. Some very good features are common to a few of them. Some bad features are found in almost all of them. The managers of prisons are favorable to improvement. Many of them can not travel to get new ideas. Prisoners are not always treated and disciplined in the best possible ways. Many philanthropists there are in the United States and Canada who would be glad to alleviate, to some extent, the inconveniences and hardships and disadvantages of one hundred thousand of their fellow creatures. It might be done, easily and inexpensively.

A discreet and well-informed person, possibly a member of this Association, might be sent out to visit the prisons, carrying with him to each place an account of what is done elsewhere. By proceeding deliberately, showing pictures, explaining methods, demonstrating results, offering suggestions, meeting prison boards and legislators, and entering into discussions with them, he would be regarded as a helpful friend, and improvements would mark his trail.

Following the president's address, papers were read by A. C. Dutcher, warden of the Colorado State Reformatory; M. M. Mallary, superintendent of the Illinois State Reformatory; Dr. J. T. Gilmour, warden of the Central Prison of Ontario, and A. K. Sanders, chairman of the Board of Directors of the South Carolina Penitentiary. These papers follow.

## THE DISPLAY OF FORCE AND ARMS IN A PENAL INSTITUTION.

A. C. DUTCHER, BUENA VISTA, COL.

Methods and practices that are used successfully in one penal institution may, for various reasons, be partially or wholly impracticable in another. The location of the prison, its surroundings and physical condition, its proximity to a town or city; the kind of labor performed by the prisoners and whether inside or outside the walls; the rules and regulations under which the officers and prisoners have been trained; local public opinion—all these are matters which must be given consideration in the formation of a general rule regulating the use of force and the display of arms.

That necessary means must be employed to insure the safe custody and control of those who have been committed to prison, all must admit. There is nothing so harmful to discipline as the too frequent escape of prisoners. There are so many temptations in disguise and so many things invisible to the eye of the prison official which prompt and promote the desire for liberty that I feel keenly the necessity of a proper preparation and equipment to meet these conditions.

Just so long as a prisoner is planning to gain his liberty unlawfully, just so long will he fail to make any progress. A prisoner should be given to understand that he is such and must, without compromise, lend strict obedience to whatever rules and regulations may be in force. However, in attaining and preserving that high standard of discipline and in the effort to make his custody absolutely sure, great care and discretion

should be exercised lest the zeal of the prison managers blind them to the undesirable effects an extreme condition may bring about.

Restlessness is one of the characteristics of a prisoner and against that must be placed a reasonable method of control; but the resort to physical force and the display of arms, except when absolutely necessary, are fraught with as grave dangers and productive of as evil results as any departure to the other extreme can be.

Law and order command respect only when properly enforced. An officer using force when unnecessary makes a prisoner feel about as some of us have felt when we were attracted to some excitement on the street and an officious policeman comes along and gives orders to move on, emphasizing his command with a rough push. While we recognize his authority and obey his command, we resent the manner in which he discharges his duty and inevitably lose respect for him.

The unnecessary display of firearms can not fail to have a detrimental effect on the minds of most prisoners. It is not necessary to wave the flag of power continually in a prisoner's face. He knows as well as you that the requisite means are at hand and that steps will be taken immediately and effectually to stop him in any attempt at wrong-doing. The immense stone wall around the prison yard, mounted by guards, is almost an assurance within itself against escapes. This silent power, great as it is, becomes offensive and oppressive when unnecessary precautions obtain.

The result of rightly used power is seen in an improvement in the condition of the delinquent. The oppressive and offensive abuse of power marks him with ugliness; he harbors in his breast resentment and hatred against all who have part or parcel in its administration, and under this condition improvement cannot be expected.

Whether the guard has his gun in full view or has it concealed but convenient would seldom enter the mind of one planning an escape; it would not deter him; neither would it stimulate any ambition he might have to improve. It is not always



convenient to keep the firearms from view, but where the circumstances warrant, it would seem advisable. The duty of the state to take advantage of every opportunity for the betterment of its charges is no less important than that of complying with the law and the order of the court.

Precedent and the eminence of those who for years have followed certain methods should prompt conservatism, but should the occasion arise whereby a sensible and well-balanced plan can be initiated or an old one modified, to the benefit of both prisoner and society, the change should be made without hesitation.

Just as wealth is measured by the accumulation of material things, so progress in the prison is measured by advancement toward such a condition as will tend to bring the prisoner to a full realization of his obligations to society. When a young man goes forth to face the trials and duties of life, to act upon his own responsibility, his desires are varied, his attitude aggressive; his general manner indicates how simple he thinks it will be to build in reality the many air castles he has built in his mind; but he soon learns that it is by no means an easy matter to be successful in life, as success is today measured.

One must possess self-confidence, ambition and a brave spirit to fight successfully the battle of life, and the parent, guardian or legal custodian should surround the dependent with such conditions as will tend to upbuild these qualities. One can survive the effect of blows when they come singly and at long intervals, but if they come in rapid succession they completely change one's attitude and destroy that most desired of all qualities, hopefulness.

We make confident assertions as to the influence of education, environment, associations, heredity, etc., for good or bad, but the exceptions are frequently called to our attention. The one released on parole for whom we had pictured a bright future is only too soon returned for violating his parole contract or sent to some other prison; the one in whom we had but little confidence in a short time establishes himself firmly on the road to good citizenship. Thus, we recognize what a profound mystery

each individual case is and how totally incompetent we are to distinguish one from the other with any degree of certainty.

In the main, however, we are entitled to expect certain results from certain conditions and influences; so we should lend our best energies to the creation of a condition in the institutions that will tend to promote ambition, build up hopefulness, develop character, inculcate habits of industry and study, and inspire a desire in the delinquent for those things in life which are manly, noble and worthy, and in so doing we should keep in mind that discipline can not be maintained through fear alone.

### REFORMATORY METHODS AS APPLIED TO THE CRIMINAL CLASSES.

M. M. MALLARY, PONTIAC, ILL.

The application of reformative methods in the training and education of young men who are criminally inclined, is a step in the direction of the application to civil government of the divine teachings of the Man of Galilee. The Master came into the world to seek and to save that which was lost, and the trend of public opinion and of modern legislation, which is the result of public opinion, has set steadily in the direction of more humane and scientific treatment of all classes of defectives, whether physical, mental or moral. There is more joy in Heaven over one sinner that repenteth than over the ninety and nine just persons who need no repentance, and if the spirit of human society can not attain to this divine standard, it can at least stretch out a helping hand to the erring and unfortunate and devote some portion of civic energy to the reclaiming of those who, either through weakness or perversity, have gone astray. Reformative methods also recognize the fact that the interests of society are best served by the transformation of the offender into a useful citizen.

In my opinion, the keynote to the right kind of training is education—not only the acquisition of knowledge, but the training of heart and brain and eye and hand; the development of all

the elements of right living. There is a germ of good in every human being, however degraded, and this is especially true of youthful transgressors whose offenses are often the outgrowth of unfortunate circumstances rather than the result of pronounced criminal tendencies; who are more often weak than vicious and who are always, to a greater or less degree, amenable to good influences and judicious training. The aphorism of the poet, "As the twig is bent, the tree's inclined," does not, perhaps, express a constant law of human development, but the principle it enunciates must be taken as the working basis for the training and education of all mankind. If, as is often the case with the older class of offenders, the twig has already grown and hardened into a crooked and stubborn sapling, the chances of inclining the tree in the desired direction are proportionately decreased. Yet some good may generally be effected. All reformatory methods seek to take hold of whatever good there is in the criminal's nature, to destroy or at least minimize his vicious tendencies, instruct his ignorance, and teach him how to make an honest living.

Punishment has no legitimate place in the system except as a means to the end sought. The primary object of sending criminals to a reformatory or a penitentiary is not punishment, although the necessity of punishment as an instrument of discipline must often be recognized. Society does not seek to avenge itself upon the transgressor, but to take from him the opportunity for further transgression, to place his feet in the path of good citizenship, and to develop in him the desire and ability to walk and maintain himself therein.

The saying that man is a bundle of habits has a true basis in human nature. The things that men do as a matter of habit, without special consideration, make up the greater part of the routine of their daily lives. Man's mental processes are also carried on along habitual lines and his mind acts according to habits, in the forming of which his temperament, training and the circumstances of his past life have acted together. No one can be depended upon to act right until he has formed the habit of thinking right. If his imagination is corrupt and his thoughts

habitually crooked, his actions will in a greater or less degree correspond to the bent of his intellect. The fear of punishment, while a necessary and powerful element in the prevention of crime, cannot be depended upon to keep man or boy in the right path if the processes of his nature continually impel him towards crookedness and evil. The importance of this truth in the work with criminals, juvenile offenders and delinquents can hardly be overestimated. Its significance is manifest when it is considered that the imperfection of our machinery for the detection and punishment of crime leaves much to be desired—that especially in large cities detection is the exception and punishment a possibility rather than a certainty. And even if this were not so—if transgression always led to detection and the punishment were always made to fit the crime—there would still remain the fact that fear is a grossly inadequate element in any scheme of reformation.

I have no desire to minimize the importance of force backed by the fear of punishment as a restraining element in an institution, the family or society at large. Force is indispensable and punishment must necessarily be resorted to when other means fail. What I wish to emphasize is that the individual character which has no better basis than fear as a motive for right living, is a poor kind of character and its possessor lacks much of the stature of true manliness. The aim should be to turn boys and men of various degrees of badness into good citizens by the reformation of their habits and the development of their capabilities. Mere abstention from crime does not in itself constitute good citizenship. It must be founded upon higher and more positive virtues. The good citizen must be able to make his way in the world and must do right for right's sake.

A common school education is or should be the ordinary equipment of the average citizen, which it is recognized to be the duty and interest of the State to place within the reach of all. In order to enable him to meet successfully the problem of self-support—and self-support is the first law of good citizenship—he must have something more. The willingness and ability to maintain himself by some lawful occupation is manifestly the most

indispensable part of a man's or boy's education. It is possible for him to have this without the learning of the schools, but it is also a matter of ordinary observation that lacking this, the learning of the schools will not avail him. The ability to do something which somebody wants done, who is willing to pay for having it done, is the only absolute guaranty against want, and such education as will bring out this ability should be the first care of those having charge of the training of young people. This, with the development of habits of steady industry, is of the first importance in reformatory work and the lack of such training is a prime factor in the character of the majority of criminals. The boy or man who has learned a trade and formed the habit of steady application to business is far on the road towards redemption. It may further be said that, if having these advantages he relapses into crime, his case is well nigh hopeless and usually beyond the reach of ordinary reformatory methods.

In industrial training it is necessary to recognize the fact that there exists a vast diversity of capacity and natural inclination. The true reformatory system is not a mere machine acting upon masses of fallen or unfortunate humanity according to inflexible rules. In such work each individual is a problem by himself and to deal with so many problems successfully, personal acquaintance and study of the individual is absolutely essential. Systematic organization involving the precise and orderly management of the inmates in masses, is indeed essential for maintaining order and enforcing discipline. It is indispensable and it has a certain educational value, but it is at best only the framework that supports the structure and makes possible the real work of individual regeneration. All the beneficent forces that make for good; the culture of the schools; the uplifting influences of religion; the broad training that seeks to develop self-respect and the sense of personal independence and responsibility that comes of the power to think and to do, must all do their work along individual lines and according to the various needs and capacities of those with whom the ones in charge have to deal.

A man, who, if trained according to his natural bent will make a good carpenter, might make a very poor stone-cutter and

might fail altogether as an electrician. Some have a natural taste for farming and would ignominiously fail as printers. If a young man is blessed with a strong body and muscles and his mind is not fitted to grapple with the intricate problems of a high class technical education, it is the part of wisdom to teach him to do work of the kind that shall enable him to utilize his physical effectiveness to the best advantage. Any institution, in order to do its work well, must provide training in a great variety of occupations, and sound business policy requires that so far as possible the necessities of construction and administration should be made to utilize the products of the various shops and trade schools.

Anything like a detailed description of the different industrial features of a well-organized institution would far transcend the limits allotted to this paper. Following the lines indicated, the aim should be, so far as the capacity of the inmate and the time of his detention make possible, to perfect him in every branch of the particular occupation to which he may be assigned. If he is to be a carpenter, he must be instructed in all that pertains to that trade. If he is assigned to the power house, have him begin by wheeling coal and advance step by step to the care and management of the engines and different kinds of machinery. He may study the application of machinery to the development of power and when competent may be given charge of the electrical machinery and have instructions in all departments of electrical engineering. The same plan is pursued throughout in whatever trade or occupation the inmate is being instructed.

## PRISON VISITING IN CANADA.

J. T. GILMOUR, TORONTO, ONT.

The subject of prison visiting is of infinitely greater importance than it may appear at first glance. Prison wardens and prison officials in general are apt to fall into routine, and become to some extent fossilized. This is not to be wondered at. The large number of disappointments with which we meet from

recidivists is apt to make us repeat that ancient question, "Can there any good thing come out of Nazareth?" The warden of that old prison in Asia Minor became so fossilized that the Lord had to send an earthquake to arouse him, and when that Philipian penologist began to stir himself, his first clear realization was that he could learn one of the greatest lessons of his life by interrogating the inmates of his prison, and his question has traveled down the centuries, "What must I do?" It is worthy the attention of present day penologists that the Philipian prisoners were able to give their warden invaluable advice. These conditions are just as true today as they were two thousand years ago, and the penologist of today can only understand his subject by the individual study of the prison inmates.

There is danger that our disappointments from repeaters will lead us to classify the criminals as one, in the place of realizing that there is a large percentage that can be reclaimed and restored to society.

In dealing with delinquents it is the personal touch that tells. Professor Charles Henderson, in one of his admirable books, quotes the great German as saying, "The strongest hope of the worst lies in a loving contact with the best." Our same distinguished friend and author quotes the Inspector-General of Prisons in France to the effect that "twenty-four hours' contact with the habitual criminal is sufficient to ruin the young and first offender." Prison officials as a unit deplore the great majority of friendships formed within the prison walls, but can we consistently deplore these friendships if we persistently sever those higher and better friendships of good people from without? Every prison officer has noticed with what pride prison inmates receive visits from good people. Human nature longs for friendships. Kingsley was once asked the secret of his buoyant, happy life, and his ready reply was, "I had a friend." The humanity of our Saviour, as He approached Gethsemane, is no exception to this rule, for our Saviour yearned for a friend upon whom He could rely to wait and watch while He endured, and expressed it in that pathetic request to drowsy Peter and his sleepy comrades.

In the lives of most delinquents, there are hours of remorse

when the better impulses prevail. Goethe, in his sublime creation, beautifully exemplifies this fact, where Faust, after years of debauchery, in a moment of contrition and repentance, turns on Mephisto and exclaims:

"Canst thou, poor devil, give me whatsoever?  
When was a human soul in its supreme endeavor  
E'er understood by such as thou?"

Visits from good people at such a time can do much to inspire prison inmates with a better and higher ideal.

Please do not infer from this that every warm-hearted individual is suited for a prison missionary. There are few spheres in the realm of sociology that require more capable, judicious and experienced workers. The unfit missionary in prison will do infinitely more harm than good, for he will only serve to develop the criminal's cunning and guile, and to a large extent become clay in the prisoner's hands, moulded at his will. Our observation is that it takes at least two years of personal contact and study to qualify one for successful work along this line. People with large hearts and small heads need not apply.

Some years ago, at the request of Commander Eva Booth and Colonel Pugmire, we opened our prison doors to the Salvation Army, one of the most satisfying acts of our official life. The Army's trained, judicious, and indefatigable worker practically lives at our prison, spending hours daily on the galleries, going from cell to cell, learning the men's desires and requirements, and gratifying them as far as right and possible.

While prison inmates as a rule are appreciative of kindness from prison officials, they are still more appreciative of kindness from other sources, for they recognize, and rightly so, that disinterested service is the highest service. Longfellow was right when he said:

"Ah, how skillful grows the hand  
That obeyeth Love's command,  
It is the heart, and not the brain,  
That to the highest doth attain,  
And he who followeth Love's behest  
Far exceedeth all the rest."



Among the advantages of this system is the care of prisoners' families. The thorough and extensive organization of the Salvation Army, covering practically the whole country, provides a judicious means of studying family history and aiding where necessary. This is a great consolation to the breadwinner in prison. The same system has provided work for every man leaving prison who needs it and is willing to accept it. We regard this as a fair test of a man's sincerity in desiring to reform. The crucial period in the life of every delinquent is the day he leaves prison. It is then that most can be done to aid him in regaining his lost foothold on the causeways of redemption. A complete knowledge of his previous life is essential to success, and this cannot be gained in a day. For the want of the helping hand many a delinquent has, like Byron's Prisoner of Chillon,

"Regained his freedom with a sigh."

One of the world's great hearts tells us "Correction does much, but encouragement does more. Encouragement after censure is like sunshine after shower." Of such is a judicious prison visit.

Victor Hugo was careful never to permit Jean Valjean to receive such a visit, lest the world should have been robbed of one of the most pathetic stories that ever touched the heart of man. We have noticed, with a painful frequency, that a considerable number of delinquents on their arrival in prison, breathe a sigh of relief and abandon themselves to their environment. This is characteristic of the younger element of the prison population, who suffer keenly at the severance of family ties and seek solace in the other extreme.

If one great aim of a prison is to restore home life, a greater aim should be to preserve it. With this thought in view we place but little restriction upon the visits of near relatives, and treat the prisoners' correspondence accordingly.

The morbid curiosity visitor should be shunned as a plague. Human beings should never constitute a menagerie. Male prisoners should be visited by their own sex only; female prisoners by women only. These rules should be as inexorable as the law of the Medes and Persians "which altereth not."

A word of introspection. We cannot too strongly emphasize the need of individual effort. We are so apt to think of our prison population by hundreds rather than units. Let us ever carry Carlyle's keen analysis with us in our daily work, where Carlyle says, "Masses, indeed! Every unit of whom has his own heart and sorrows, stands there covered with his own skin, and if you prick him he will bleed."

## DISCUSSION.

Matt W. Hall, Missouri—May I ask the doctor one question? If a man's mother comes to see him, should she be allowed to visit with him? I do not ask this question critically. So far as my experience has gone, that is the most harmful visit that the prisoner receives.

Dr. Gilmour, Canada—Our experience is diametrically opposed to my friend's. If the mother is a good woman, we cannot conceive of its being anything but helpful. One of the world's greatest minds has said that in forming the mind of a child, one mother is worth more than all the teachers in the world.

Mr. Hall—I agree that the visit of a good mother to an unfortunate boy is like a ray of light that shoots into the prison. The visit of a good Christian mother is a blessing to her boy and to the management. But the visit of a careless mother, one who has not used the proper care in rearing her boy in the industrial pursuits, is a curse to the boy and to the management, in my experience. Very frequently out of the slums of the cities or from the mountainous regions in the southern part of our State, mothers will come to see boys that we have had in prison for two or three years, endeavoring to teach them habits of industry and if possible a trade of some kind. They coddle those boys and complain of the management, and as a result, after the mother has gone home the boy is absolutely unfit to associate with man or beast until he goes through another process of training. I hope some gentleman who has had long experience in the management of prisons will tell me how to settle this vexatious question.

Major R. W. McClaughry, Kansas—Is the mother permitted to talk to the boy without the supervision of an officer?

Mr. Hall—Those visits, like all others in the Missouri penitentiary, are made in the warden's office, in the presence of officers, but the mother or the visitor gets her mouth close down to the ear of the convict and it is impossible for us to tell just exactly the conversation that goes on.

Major McClaughry—In our prison that sort of communication would be stopped immediately and the mother would be compelled to hold her conversation with the boy so it might be heard by an officer. It seems to me the difficulty in Col. Hall's case is that his officer does not exercise proper supervision. My experience, running over a number of years, is that no matter how unfortunate the mother may have been, the advice the boy receives is, in ninety-nine per cent. of the cases, from a heart that yearns for his betterment, and that would encourage him in his efforts.

I do not believe in the doctrine advocated that males should be visited only by males. I know of no one who exercises so good an effect upon the prisoners in our institution as the Little Mother, or one whose coming is looked forward to with so much interest and without any nonsense or sentimentality. I wish she could come one hundred times where she comes once. I believe that is true of any good mother or wife.

W. H. Whittaker, Indiana—I want to coincide with what Major McClaughry has said. If a mother is a detriment to the boy, I believe it is the duty of the head of the institution to give her a few lessons as well as the boy. When a mother gives wrong advice to a boy in my institution, she is immediately taken into the office and told kindly what she can do, and when she promises that she will do the right thing, she may see her boy. I think I have never had more than two cases of that kind. One of them comes to the institution now, and I am sure gives the very best advice to her boy. I would occasionally go farther than the mother or wife. I believe it is our business to know who these people are who come to visit. I think the sweetheart occasionally can do a boy a world of good if she is the right kind.

## PENAL CONDITIONS IN SOUTH CAROLINA.

A. K. SANDERS, HAGOOD, S. C.

The civil war, which revolutionized all social conditions in South Carolina, brought forth the establishment in 1867 of the first State prison. Previously no necessity had been felt for the establishment of a penitentiary. There never had been any great amount of crime committed by our native whites. Such crimes as they did commit were not punishable by confinement. The crime of murder was punished by death by hanging, and all the minor crimes were punished by the whipping post or a short term in jail.

If a slave committed murder on a white victim, he was sentenced to be hung, and if he slew a fellow slave he was sent to jail for a fixed term and whipped—usually so many lashes per week. If he committed a minor crime upon a fellow slave or upon property, his master inflicted due chastisement. A slave who slew his master had the offending arm amputated. After sentence was executed he was returned to his master's work.

When the devastation of war ceased in 1865, there remained no property of any consequence except the land, and it was of little cash value; so in the establishment of our first prison our State was unable to stand the expense of erecting an institution with all the comforts and conveniences which pertain to the prisons of today. The only purpose which seems to have actuated those who built our first penitentiary was to hold safely all convicts committed to it.

In modern times we have made great improvements and I believe with our present equipment, South Carolina is keeping step to the march of progress and stands in the front rank of the southern States in this noble work of prison reform.

We had 735 inmates in our prison on September 1st. About ninety per cent. of our criminals are negroes. The only industry carried on in the main prison is a hosiery mill, which gives employment to from 250 to 300 convicts. It is operated on the lease system. The price paid for labor is forty cents per day for men. The contract under which we are now operating was made in

1891 and runs for twenty years. We find this remunerative in spite of the low wages received. Of course, much better prices could be obtained today.

Our State Farm gives employment to an average of 150 men. The farm contains about 5,000 acres, of which about one-half is in cultivation. There we produce in quantities cotton, corn and small grain, such as wheat, oats, peas, potatoes, etc. The supplies produced are far beyond the needs of the farm and all the surplus is sent to the main prison at Columbia. I know of no system of employing convict labor in our section of country that is as healthy, profitable and satisfactory as this. The work on the farm is all done by negroes, of whom 95 per cent. are farm hands and the work on the State Farm is the work of their past lives.

Our reformatory for juvenile criminals was established about five years ago. About the same percentage of negroes and whites prevails as in the main prison. All criminals under sixteen years of age are sentenced to the Reformatory and are worked at farming only. The present institution only isolates them from the old offenders, and while it has accomplished much good, I hope to see the day when useful trades will be taught, so that when a boy is discharged he can go out into the world and be a useful man.

All our surplus labor is by law devoted to road building by means of chain gangs in the counties. Each convict furnished by the Penitentiary is paid for at the rate of \$4.00 per month net to the State, and all expenses are paid by the county in which the convicts are worked. The county chain gangs are legally created and all convicts sentenced for ten years and under are to be thus employed. Great as has been the good accomplished by this system of road building, I can not endorse it for long-term men. I think it good for jail birds and for terms of not over two years, but the State should always retain the custody of those who have been sentenced to long terms.

Our Legislature established two years ago an Industrial School for white boys. The site has been selected and the buildings are in course of construction. This, in my judgment, is a step in the right direction, and I look for much lasting good to come therefrom.

We have only the definite sentence in South Carolina, allowing one-twelfth off for good behavior. The great majority of our criminal class being negroes, the parole system would be impracticable. We could not rely upon them in any degree to observe a parole and we have no substantial hope of reforming them.

The chief diseases are consumption and malarial fever. Ample hospital accommodations are provided and all consumptive cases are isolated. We have a special hospital for that purpose which is modern and up-to-date in every essential.

Our Governor has absolute pardoning power and he has an advisory board of pardons, whose recommendation he may disregard.

Our prison is in fine financial condition. During the past nine years (my time as a member of the Board) we have spent over \$100,000.00 in permanent improvements and have paid into the State treasury \$70,000, and not one cent has been appropriated by the Legislature to support or even assist. I am proud of this record and will be glad to hear of any of our sister States which can excel it.

Major McClaughry—I move that the general agent of the Department of Justice, or his representative, be invited to attend the meeting of the Wardens' Association hereafter and be granted all the privileges of membership in this Association.

The motion was adopted.

Major McClaughry—I have been requested by several wardens who have read the story about the sawing of a steel bar in our penitentiary, with a string and sand and emery, to bring a specimen with me to this meeting, and I have it. I will be glad to explain just how the work is successfully done.

President Murphy announced the following committees:

Organization—M. M. Mallary, Chairman; F. H. Mills, E. S. Wright, J. T. Gilmour, Rev. W. J. Batt, Col. A. C. Kelton, W. H. Whittaker, Albert Garvin, A. K. Sanders.

Resolutions—W. H. Hart, Chairman; Rev. J. L. Sutton, John M. Glenn.

Auditing—H. M. Coates, Chairman; A. C. Dutcher, Dr. W. D. Stewart.

Adjourned.

## MONDAY AFTERNOON SESSION.

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The Congress was called to order at two o'clock by President Murphy, and Rev. Albert J. Steelman, president of the Chaplains' Association, was invited to the chair.

### THE CHAPLAINS' ASSOCIATION.

The meeting was opened with invocation by Rev. P. C. Johnson, chaplain of the State Penitentiary, Lincoln, Neb., after which President Steelman read the following paper:

### PRESIDENT'S ADDRESS.

REV. ALBERT J. STEELMAN, PH.D., JOLIET, ILL.

This Congress has no legislative powers, and no man's opinion binds any other member of this body. Our aim is by free discussion to extend the bounds of knowledge on the subjects presented.

It seems to me that we have been witnessing expert target practice. The bull's eye at which every shot has been fired is this proposition: "Let no human being be sent to prison until the welfare of society demands it; release the prisoner as soon as the welfare of society permits it."

It is 117 years since John Howard, the prison martyr, died. The atmosphere of the world is still vibrating with his prayer: "Do Thou, O Lord, visit the prisoners and captives. Help, Almighty God." Since his day immense improvements have been made in prison architecture, discipline and theory. Sadly imperfect the classification of prisoners still remains. But the separation of male and female, of the mentally feeble from the mentally strong, the sane from the insane, the old from the young, of those held for trial from those convicted of grave crimes, the



habitual from accidental law-breakers—all this is of immeasurable advantage.

The advancement in theory is clearly marked. Death reigned not only from Adam to Moses, but from Moses to John Howard. The death penalty was too common to be shocking. It was a great victory for reform when the central idea of prison punishment came to be the imposition of severe tasks, although the prisoner might be worked to death for the benefit of the State.

The next guiding principle in penology was to benefit the State by making as many good citizens as possible out of the prisoners, on the theory that the man reformed, educated and trained in industry can earn more for the State as a self-respecting citizen outside than as a convict inside a prison.

Now comes the comparatively new proposal: "Send no one to prison till the good and welfare of society demands it." *Send no child to prison.* Give him a chance.

The year before the Juvenile Court was created, 17,000 children were arrested in Chicago. No one knows how many thousands were let off without arrest. What could the policeman do? He had soft spots in his heart. If he let the young thieves go free, it was bad; if he arrested them, it was worse. Only a dozen years ago two comparatively lonesome individuals went personally, or sent their friends to the police courts to rescue young children from punishment in Chicago. Oscar L. Dudley, superintendent of the Glenwood School, and Judge Hurley, editor of the Juvenile Court Record, by their own recognized worth, secured the care and custody of hundreds of children who received a training afforded in Feehanville School, or in Glenwood. But those were dark days; many young lads passed through the corridors and cells of Cook County Jail and were sent to the Bridewell to serve out fines, when there was no public school there. The tales those lads could tell would edify the readers of the Police Gazette.

The "Truant School" or "Parental School," now about ten years in existence, the new school at St. Charles, the splendid work of the truant officers and the probation officers, and the gradual improvement of child labor laws and their application,

have made child life very different in the city the last ten years. If you find children working or playing during school hours, call up the chief truant officer and see what will happen.

Through various agencies thousands of children have been deterred from a life of crime; and still Judge Mack told us last night that he is not satisfied. He aims at a higher mark, and would send no one to prison if it can be safely avoided. There are others who think just as he does. This rule has had such a wide application to children, and with such success, that the adoption of probation work is being urged for men. Under this system the convicted man is not sent away with good advice. His probation officer helps him to see how to make good, and shows him that he must make good. The evidence brought to our attention last evening goes to show that moral development is not due to years merely, but to instruction. The awakening of conscience may come late—too late to save a man from bitter experience. But if there is good evidence that a man's experience has cured him, we say "Give the man as well as the boy a second chance before you paint him with the tar stick of a prison."

So we no longer kill the prisoner in quick revenge, for ordinary offenses. We do not work him to death for the benefit of the State. We aim to make a man of him and restore him to citizenship. We always aim to give him wholesome work, and suitable instructions for his labors, and when possible, a chance to earn and save some money in the hope of giving him a right attitude toward honest labor and a right feeling towards property and property owners. It is a matter of deep regret when any institution cannot meet these requirements.

There has been great progress in Illinois prisons in the last twelve years; in the character and intelligence of employes. Politics cannot longer keep a ward-heeler on the payroll. Without abating the glory or credit due to any former chief officer of our own prison, it is only just to say that the progress made in the last eight years is most notable. This has been made possible not only by having a man of recognized fitness for the chief office, one whose judgment was respected, but by a change in the public feeling towards prisoners, brought about by the successes

of various parole systems, Hope Halls and Little Mothers and wise rulers.

The progress of ideas has made new prison equipment necessary everywhere. In many places the prisoner no longer carries his porridge to his cell, and the keeper no longer passes the rations through a hole in the wall.

Thank God, there are only a few who think anything is good enough for a convict. We do not ask for spacious cells furnished with Morris chairs, but the cell-house must meet the elementary requirements of moral and sanitary science. The prisoner must have an adequate supply of uncontaminated air and have that degree of privacy which is demanded by a decent self-respect. If a man has fallen very low it is all the more necessary to give him the precepts of decency, purity, cleanliness and self-respect. If he never saw a sanitary washroom and never knew the uses of clean clothes, baths and sunshine, the State should give its wards in prison the full benefit of these means of civilization. The new penology requires a new prison architecture. The older type of prison has no further excuse or justification for existence. Illinois is proud to be able to take advanced ground by the provision of the last legislature for a new prison.

But whatever is done by prisons and prison officers to reform men, we must warn the thoughtful citizens of this great republic that they ought not, and dare not, depend on legal or penal machinery to make men good.

Among the different classes of criminals I have met, the saddest, because the most preventable and excuseless type, is the one "trun on the streets in childhood." The necessity of hustling for food, lodgings, and raiment develops the cat, monkey and tiger in the child's nature. A term in the Reformatory will hardly cure the smooth liar and pickpocket. The child should be early rescued from the bed in the barrel if a good citizen is to be built up in his attenuated anatomy.

Another class of criminals, by no means small, comes from respectable families. Parental neglect, poor work in school, truancy, bad company and loaded cigarettes have done their work. The parents of these children are unconscious of their

neglected duties and suppose their children to be models of propriety.

A third class is made up of the boys and girls who have failed to receive needed moral support while passing through the period of adolescence, and failing to find their happiness in what a good conscience approves, have broken away from church and school and parental restraint as did the young prodigal in the Savior's parable.

A fourth class consists of young foreigners of various nationalities who have, perhaps, brought no letters of recommendation and have made no social ties in this country. They speak little or no English. They drift into the penitentiary.

Then there is a small class of older men who have stood well in business but who seem to break morally when they begin to break physically, justifying the need of an old men's Christian association as well as a Y. M. C. A.

The question of "Boss Tweed" is still pertinent: "What are you going to do about it?" There are several things we would wish to see done. For instance, if the benevolent societies of the various foreign colonies in our large cities would appoint an officer to take their country people by the hand and lead them into safe paths, as the Hebrew Benevolent Society of Chicago aims to do, much good would result.

We must not lose sight of the fact that the prison is a necessity. When all other means of deterring from crime fail, the prison should prove an unfailing certainty for all who make war on society, whether in their individual or corporate capacity. The intellectually and financially big as well as the pestilently little, should be made to suffer—those who steal forests and railroads and rebates, as well as those who steal door mats.

But who can imagine that the machinery of the law can make men good? What's in a prison that it should reform man? They are received, photographed, stripped, clipped, anointed, measured, numbered, tabulated by size, shape, scars, color, marks, moles, and the unchanging papillary ridges of the finger tips. Arrayed in prison garb they are counted, marched, worked, watched whether awake or asleep, hustled along by keepers, lied

about by fellow convicts, forgotten by their friends, kept in silence and leading strings till they lose the power of initiative and forget the usages of the world. The prisoner becomes pessimistic, acquires "an appetite for misery," and always has an unfailing supply for every day in the slowly moving year.

Many of the prisons have schools, chapels and libraries with a few consecrated workers always aiming to point men into the path of truth. Many weary pilgrims find it to their great delight. To many the parole opens a door of hope, and we wish its beneficent influence might be extended to include life prisoners.

We promise the people that we will do our best with the equipment and materials at our command; but we are bound to warn the public not to depend upon prisons and precepts to make good men and women of our own or of our neighbor's children. We must appeal to the patriotic people of America not to neglect the training in church and school and home. Whatever splendid work is done by the truant and probation officers and by the army of public school teachers and Sunday-school teachers, a vast amount of work, which is generally considered nobody's business, remains to be done. Everybody knows men, women and children who have left the safe path. There is no greater work of patriotism open to the average mortal than to teach one such person to be true to God, to country and to self. The only way to meet the entire need is for patriotic people of all classes to join in an everlasting crusade in all the wards and precincts of our cities and villages, making a determined search for the delinquent and the outcast. If they fail there remains the juvenile court, the special schools and, Heaven be merciful! the penal institutions.

At a former meeting of this Congress the duty was laid upon the Chaplains' Association of urging upon ministers of religion the observance of the last Sunday in October as "Prison Sunday." The purpose of such a day would be to call attention to such matters as have been mentioned, to urge a remedy for serious defects in our county jails, and to change completely the deplorable condition of the average town and city lock-up. Thousands of people, many of them innocent, are confined every year

in these small, dirty and unsanitary prisons while evidence is being gathered or bonds are being secured. We must recognize the importance of providing clean and respectable quarters for all, and a police matron always for women prisoners, separate cells, work and reading matter for all who wish them, and compulsory instruction and labor for all convicts. I mean compulsory moral and manual training. It is a well-known fact that nearly 75 per cent. of prisoners have no wage-earning occupation. If kindergartening and manual training were introduced into the public school program for all children, and manual as well as mental skill made a ground for promotion, more lads would stay out of the alley. If a committee from the women's clubs and the ministers' unions were to visit a county jail and city prison in consultation with the authorities, something would be done to throw a moral and educational and religious influence around the thousands who are temporarily confined.

If good people will make a personal effort to reclaim boys and girls and men and women, great good will result to the State. Many will become supporters instead of destroyers of public order and welfare.

It is a call to patriotic service in which all may join, always inspired with the great hope of saving one. We must divide and conquer. "Help, Almighty God."

Hon. J. Frank Hanly, Governor of Indiana, was next introduced. His paper follows:

### THE INDIANA INDETERMINATE SENTENCE LAW.

HON. J. FRANK HANLY, GOVERNOR OF INDIANA.

Ten years ago the general assembly of the State of Indiana enacted a statute known as the "indeterminate sentence law." The effect of the law was to take away from courts and juries in the trial of felony cases, except in cases of treason or of murder in the first or second degree, all power to pronounce, in finding or verdict, the punishment to be imposed, and to limit such finding or verdict to the statement of the guilt and the age of the

person charged with any such offense. The court, "instead of pronouncing upon such person a definite term of imprisonment, after such finding and verdict," was given authority only to "pronounce upon such person an indeterminate sentence of imprisonment, stating in such sentence the minimum and maximum limits thereof, fixing as the minimum time of such imprisonment the term now or hereafter prescribed as the minimum imprisonment for the punishment of such offense, and as the maximum time, the maximum time now or hereafter prescribed as a penalty for the commission of such offense."

All persons over sixteen and under thirty years given an indeterminate sentence are required to be sentenced "to the custody of the Board of Trustees of the Indiana Reformatory, to be confined at the Indiana Reformatory or at such place as may be designated by such Board of Trustees, where he may be most safely or properly cared for, as guilty of the crime found in such finding or verdict." And all persons over thirty years of age sentenced to an indeterminate sentence are required to be sentenced to confinement in the State Prison.

With the commitment of each prisoner the clerk of the court is required to furnish "a record containing a copy of the indictment or information filed in the case, the name and residence of the judge presiding at the trial, with a statement of any fact or facts which the presiding judge may deem important or necessary for the full comprehension of the case."

While the statute provides that the imprisonment pronounced shall be "as a punishment for the offense," it keeps in mind as a substantial, if not a controlling, part of its purpose the reformation of the prisoner. To this end it is provided that the Board of Trustees "shall have power to establish rules and regulations under which prisoners within the Reformatory may be allowed to go upon parole outside of the Reformatory building and inclosure, but to remain, while on parole, in the legal custody and under the control of the Board of Trustees and subject at any time to be taken back within the inclosure of said Reformatory, and full power to enforce said rules and regulations and to retake and imprison any inmate upon parole is hereby conferred upon such Board."

With a view to the reformation of the prisoner, the following injunction is laid upon the Board: "It shall be the duty of said Board of Trustees to adopt such rules concerning all prisoners committed to their custody as shall prevent them from returning to criminal courses, best secure their self-support and accomplish their reformation. When any prisoner shall be received into such Reformatory, the general superintendent shall cause to be entered in a register the date of such admission, the name, age, nativity, nationality, with such other facts as can be ascertained of parentage, education, occupation, and early social influences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and based upon these an estimate of the present condition of the prisoner and the best probable plan of treatment; and the physician of the Reformatory shall make a careful examination of each prisoner when received and shall enter into a register to be kept by him the results thereof. Upon the general superintendent's register shall be entered from time to time minutes of observed improvement or deterioration of character and notes as to the method and treatment employed; also all alterations affecting the standing or situation of such prisoner and any subsequent facts or personal history which may be brought officially to his knowledge, bearing upon the question of parole or final release of said prisoner."

It is also provided that no prisoner shall be released on parole until the Board of Trustees has satisfactory evidence that arrangements have been made for his honorable and useful employment for at least six months while upon parole in some suitable occupation. It is made the duty of the general superintendent to keep in communication, as far as possible, with all prisoners who are upon parole, and when in his opinion any prisoner has for one year so conducted himself as to merit his discharge and has given evidence that is deemed reliable and trustworthy that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, the general superintendent shall make a certificate to that effect to the Board of Trustees, and if, upon consideration, the trustees find that the prisoner has so conducted himself, it is made their duty to discharge him.



Pending the expiration of the minimum sentence the Board of Trustees has no authority to parole a prisoner, but "the power of the Governor to grant a pardon or commutation of sentence in any case" is carefully preserved. This, in brief, is the Indiana indeterminate sentence law.

Prior to its passage the extent of the punishment in the trial of every criminal case was fixed, within the minimum and maximum terms named in the statute covering the offense involved, by the court and jury trying the case, and after conviction and sentence there was no parole authority other than that vested in the Executive. A prisoner was allowed "a diminution of time from his sentence when there were no infractions of the rules and regulations of the prison or laws of the State recorded against him," amounting to a fixed and specified fraction of each year of his sentence. "Good time" allowed as a "diminution" of his sentence depended solely upon his conduct in the institution and was determined by arbitrary provision of law, without regard to his past life, the character of his crime or of the circumstances under which it was committed. When finally discharged the prisoner was sent adrift, with a cheap, ill-fitting suit of clothes and a few dollars in money, to make his way in society as best he could without further help from the State whose laws he had infringed and for which his punishment was supposed to have atoned. Under these provisions from 700 to 800 men and boys were discharged annually after having served an average sentence of one year and nine months, seventy per cent. of whom fell quickly into criminal ways, again becoming a menace to society, and were soon returned either to the prison from which they had been released or to the penal institutions of other States.

When the new law was enacted there was much opposition to it. A very great majority of the lawyers of the State looked upon it with disfavor. As a lawyer I believed it to be in contravention of the Constitution and that a serious mistake had been made in its enactment. The constitutional question, however, has been settled by the Supreme Court in a decision sustaining the validity of the law. Yet, with this question settled in favor of the law, I entered upon the duties of the Executive Office

prejudiced against it and intending to condemn and attack it when opportunity offered.

At the time of its enactment it was urged that under its administration the hardened criminal would be released with the expiration of his minimum sentence and the first offender retained after the expiration of his minimum sentence. It was said the shrewd criminal would study the prison rules and observe them, and would therefore have no trouble in "making good" with the Board and in regaining his liberty; that the poor unfortunate who was an accidental and not a professional criminal, who lacked advantages of education, who knew nothing of human nature and had no faculty for getting into the good graces of the Board, and who most of all needed the helping hand of the State, would be compelled to stay the limit of his time. Indeed, it has recently been urged by a lawyer of experience and ability that "it is known and it is notorious that the criminals who are shrewd and smart and intelligent are the ones who are benefited by the indeterminate sentence law." The same distinguished gentleman contended that "instead of leaving the punishment to men who tried him, to men who knew his life, to men who heard the evidence, to men who knew whether there was a doubt of his guilt," it is left "to a board organized for the purpose of making a record."

In the beginning, this feeling was not confined to a few. It was shared by many just and sincere men. It was feared the parole features of the law would be abused to the injury of society through a too liberal exercise of the authority vested in the parole board. The average length of service, it was said, would be reduced below the average of one year and nine months under the old statute, and that the paroled prisoner under the provisions of the law requiring employment to be found for him and providing for reports from him and his employer to the prison authorities, and for visits from the prison agent to him while on parole, would make it impossible for him to conceal his identity; that with the stigma of prison upon him the liberated convict could not rise to good citizenship, nor sustain himself even if he made an honest effort to do so.

After ten years of administration of the law we are able to speak of results, of things accomplished, of facts established. We need not now depend either upon conjecture or prophecy. Indeed, it is time to abandon both conjecture and prophecy—time to look at the facts. A fact founded upon actual experience is worth a thousand conjectures and more valuable than the prophecy of any man. We have reached a point in the administration of this law where we may see, and read, and know. The facts, bare and unadorned, are convincingly eloquent.

Instead of decreasing the average term of service, the indeterminate sentence and parole provision have lengthened it from one year and nine months to two years and four months. Instead of an annual average of 817 men and boys sentenced to prison in Indiana, we have an annual average of 651—an average annual difference of 156. Instead of an average annual release of 781 convicts upon society, we have an average annual release of 553, a difference of 228. For the year ending June 30, 1902, 632 prisoners were committed to Indiana prisons; for the year ending June 30, 1907, 595, a difference of 37. For the year ending June 30, 1902, 466 prisoners were paroled; for the year ending June 30, 1907, 307; a difference of 159. For the year ending June 30, 1902, 98 prisoners were returned for violating their parole; for the year ending June 30, 1907, 93 were returned, a difference of 5.

This has resulted in an increased population in Indiana prisons, and has caused some persons who have not analyzed the facts to believe crime to be on the increase. This, however, is not true. The increase of our prison population is not due to an increase of crime, but to the conservatism of the parole boards of our penal institutions. In fact, there has been a substantial decrease in crime in the last few years in our Commonwealth, due, in my judgment, in part, to certain restrictive legislation in relation to the retail sale of intoxicating liquors; in part, to the steady, impartial and effective enforcement of the laws of the State, and, in part, to the indeterminate sentence and parole law.

In 1906 the number of murders in Indiana was 61; in 1903,

100; in 1904, 131; in 1905, 165; being 32 per cent. less in 1906 than in 1903; 55 per cent. less than in 1904, and 60 per cent. less than in 1905. Ninety per cent. of all persons arrested for homicide in 1906 were convicted as against 74 per cent. in 1905. Last year the crime of assault and battery decreased 14 per cent., and the crime of riot 25 per cent. as compared with 1905. Last year there were 104 fewer murder trials than the year before, 62 fewer riot trials, 1,391 fewer trials for assault and battery.

The expressed fear, at the time of the enactment of the law, that the administration of the law would minimize prison sentences, has now changed to a cry that it has unduly lengthened prison sentences, a recent critic declaring: "Under the old law a fellow who got a year and nine months for stealing a bushel of corn, under the new law gets two and one half years." This statement, though made in good faith, is not true. The average term of service has been lengthened, but all who are committed do not serve an increased term. The man who steals a bushel of corn, as suggested, if this is his only offense and his past life and conduct in the prison justify it, goes upon parole at the end of his minimum term, and is given an opportunity to earn untrammelled liberty. The term of the first offender, of clean past record and good prison conduct, is materially shortened, but that of the habitual criminal, the professional, is substantially extended. Instead of a "good time" allowance, fixed by arbitrary provision of the law at a certain unyielding fraction of each year of the sentence, made to apply to all persons who do not infract the rules of the prison, without regard to the character of the crime for which conviction was had, or the facts or circumstances surrounding its commission, or the past lives or characters of the offenders, as under the old law, their going after the expiration of the minimum sentence depends upon the discretion of the Board of Trustees, to whom are known all the facts and circumstances that can be gathered concerning the past lives of the prisoners, their previous prison records and the circumstances under which their crimes were committed. And all these things are considered. As a result, the old offender, the man with a prison record of one, two, or three convictions, serves a much longer sentence

than formerly, and a much longer time than the first offender convicted of a like crime. In this way society is protected and justice is administered better than it ever was or could be under the old law.

The Board of Trustees is bi-partisan in character, consisting of four members, and these men, with full information before them and with an intimate knowledge of the disposition and characteristics of the prisoner and of his life while there, are better able to judge with intelligence and justice the time of permitting the prisoner to return to society. The old and hardened criminal, if he is to be deterred from crime and if society is to be protected from his depredations, must of necessity receive longer punishment than the first offender. One is a criminal by profession; the other by accident or stress of circumstances. The lengthening of the sentence first is justified by necessity.

The making of a lawabiding citizen out of a criminal, a self-supporting member of society out of a dependent one, is a distinct and substantial gain to the State. It transforms a liability into an asset; dependency into independency; a transgressor of the law into a defender of the law. In this behalf the new law has been effective. Under the old law, as we have seen, 70 per cent. of the prisoners discharged drifted directly into criminal ways, utterly failing to sustain themselves; under the present law 25 per cent. Of the 3,745 prisoners paroled from April 1, 1897, to April 1, 1907, the life of the present law, 2,084 completed their parole probation. The terms of 293 others expired while on parole, and 325 were still on parole April 1, 1907. Of the total number on parole fully 60 per cent. have maintained themselves and have been saved to society. In ten years the 3,745 paroled prisoners have earned \$949,773.63, and have saved, over and above their expenses, \$187,345.63, a thing absolutely impossible under the old law.

No man is released on parole until employment is found for him, either by the agent of the State or by his friends under a guarantee of six months' duration. Reports to the institution of his earnings and expenses are required. The State keeps in touch with the employer and with him. Its agent visits him.

The general superintendent or warden often writes him, giving him a word of encouragement and an expression of confidence that often counts much in his efforts to reform.

After nearly three years of close official relation with those charged with the immediate administration of the law, my past prejudices are broken down. Instead of its critic, I have become its defender. I have been convinced by what I have seen and heard and learned. Nor am I alone in my conversion. There are others. A year ago at the annual meeting of the Indiana State Bar Association there were many sincere and able men who criticized it with unsparing severity. A committee was appointed, composed of those favoring the law and those opposed to it, to report to the meeting to be held this year. This committee in its report recently made declared the law to be "a distinct advance in the State's attitude toward the treatment of criminals." It declared: "The great majority of men paroled sustain the confidence placed in them, and not only perform the conditions, but merit their discharges and become honorable citizens." The report was received without debate.

The boards of trustees, the general superintendent of the Reformatory and the warden of the State Prison are earnest advocates of the law, and are performing a service under it of immeasurable value to the people of the State.

That I might be advised of the working and effect of the law and see it somewhat from the standpoint of those who employ paroled men and of the paroled men themselves, I recently caused many letters to be addressed to such employers and others to paroled men, requesting them to write fully their impressions growing out of their experience with the law. The consensus of opinion thus obtained is most gratifying.

In one instance 18 men have been received; 6 remained during parole period and were "fairly satisfactory"; 2 left employment and found work elsewhere; 1 is still in employment, "doing well"; 7 violated parole and left State. The employer's experience "has not been satisfactory." This employer resides in the city of Chicago. The establishment is a large one, employing many men. The circumstances attending the life of the pris-

oners were most difficult. The experience of this employer has been the most unsatisfactory of any answering letters addressed to them, and yet fifty per cent of those employed did well.

Another employer declares the law to be "A move in the right direction, a source of great good." Another says, "The law is all right." Another, "Most men proved to be very good and were released on parole. On the whole the law is a good one; will aid the poor unfortunate fellow." Another declares, "We believe the parole system a good one." Another, "The law is very beneficial, of that we have absolutely no doubt." Another, "The parole laws are excellent." Another, "The law is a great benefit." Another, "Indeterminate sentence and parole laws are good." Another, "I have a very high opinion of the indeterminate sentence and parole laws. They are good and have an influence over the men which cannot be described. Without the indeterminate sentence and parole law two-thirds would not become law-abiding citizens."

Of the total number of letters received from employers 14 per cent. indicated unsatisfactory experience; 86 per cent. approved the law, and their testimony strongly tends to sustain the figures given as to the number of paroled men saved to society under the provisions of the law as now administered.

The answers received to the letters addressed to paroled men are equally satisfactory. Some of these men were on parole at the time of writing; others had completed their probationary period in a satisfactory manner, and had received their discharge. I submit a few of the answers:

"I consider indeterminate sentence law a good one, and one of the best arguments that can be offered in its favor is that professional crooks and those who do not expect nor want to reform are emphatic in their denunciation of it."

"I think indeterminate sentence law a much better law both for the unfortunate boy and the citizens of the State. It gives the first offender a chance to retrace his steps before it is too late."

"I think parole law and indeterminate sentence laws are all right—better than the ones in force a few years ago."

"Far better than a fixed sentence. Boys try to do better when released and also while in the institution. Parole law a good law, especially for those inclined to go wrong."

"New laws far superior to old; not only beneficial to society, but also greatly benefits the individual."

"The indeterminate sentence law is just the thing."

"Do not think the law could be fixed better than it is."

"I believe in the indeterminate sentence as against the fixed sentence."

All letters from paroled men, without exception, expressed opinions favorable to the law.

The cumulative effect of the evidence in support of the law, it seems to me, is overwhelming.

The late general assembly of the State gave direct endorsement to the probationary principle involved in the law and to the practice of the boards of parole in extending the term of the habitual criminal beyond the minimum term named in the statute, by legislation giving the courts of the State authority to suspend sentence in cases of neglect of dependent children and in cases of contributing to the delinquency of children, and in all other cases of first offenders, except where such persons were charged with murder, arson, burglary, kidnaping, rape or treason, and by legislation lengthening the term of imprisonment in cases of burglary from 21 to 30 years for second conviction, and to life in all cases of third conviction for felony.

The law of probation, permitting a man to go out and earn his own way to liberty, in my judgment is of much importance. Let me give you an instance. It is only one of many where I have been called upon to exercise executive clemency and where, instead of a pardon, I have rendered a parole with strict conditions. A lady twenty-five years old, broken in health, sad at heart, the lines of care upon her face, came into the executive office something like a year ago, leading by one hand a little boy four years old, carrying in her arms a babe perhaps two years old. She told me that her husband, a young man about her own age, six months before had been convicted of robbery. The circumstances showed that the husband and two



companions were on their way to a neighboring village in the evening, the journey extending into the night, and the boy and his younger companion held up the older one and took his money away from him. The boy up to that time had been addicted some to the use of intoxicating liquors, but never before had been arrested for crime. He was given an indeterminate sentence. She told the story of how she had sought for six months to care for the two little ones that were left. Now an hour was coming when she could not longer care for them. There was another child to come to her unnatural widowhood. The little fellow, who sat on a chair from which his feet dangled, slipped off the chair, came over and put his hand on my knee and looking up into my face said: "Please, sir, I want my papa." I said to him: "My little fellow, you will get your papa." I cannot tell you the transformation in the face of the woman. It would take a painter's brush to tell the story. I wrote to the superintendent of the Reformatory, and said to him: "Tell this boy when he leaves the institution to come directly to the executive office. I want to see him." The wife knew when he was coming and she met him at the train. She brought him to the executive rooms, and if ever a young man received a lecture that went to the core of things, he got it that afternoon. I gave him a parole conditioned upon good behavior, staying away from bad resorts and intoxicating liquors and places where it was sold. That night a babe was born, the excitement of the hour tending to facilitate the birth of the child. That has been now ten months. Saturday afternoon of every month since then this man has come to the executive office. He is at work at remunerative wage. He is maintaining his family. He is leading a decent life, and for the last four or five months the wife has always come with him, and a week ago last Saturday they came and brought the little boy and the baby. The life of mother and husband is absolutely transformed. A lesson has been learned that has redeemed the man to the State of Indiana. It has done more than that. It has redeemed the little fellow who came to the governor to plead for his father's return.

I heard this morning some one say here that no woman ought ever to be permitted to visit a male prisoner in an institution. If that were the rule in one of the penal institutions of the State of Indiana, the rule would be changed before tomorrow. I admit the visit ought to be timed with care; it ought to be made under proper circumstances; but you have no right to shut out of the life of a boy in the reformatory or of the man in prison the only gleam of hope and sunlight that may come to him there. I agree with my good friend from Kansas in the statement that if proper supervision is had, instead of impairing discipline it goes far to make discipline successful in the prison. Do not forget, gentlemen, that these men are human beings. Do not forget that the things that appeal to you and lift you to high purpose appeal to them. Why, sir, that is the great secret that marks the difference between present and former administrations of penal institutions. The idea of punishment remains, but bigger than that idea is the idea of reformation, of saving the men to the State and to society.

President Murphy returned to the chair, and said that the suggestion had been made to adjourn the meeting at once and hold an informal reception for Governor Hanly. The suggestion was put in the form of a motion and carried, after which the meeting adjourned.

## TUESDAY MORNING SESSION.

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The meeting was called to order by the President at 9:30 a. m., and Dr. Charles R. Henderson was asked to take the chair, as chairman of the Committee on "Jails and Vagrancy."

Dr. Henderson—At the Albany meeting a committee was appointed, composed of Mr. John L. Whitman, formerly jailer of Cook County, Illinois; Mr. Amos W. Butler, our General Secretary; Mr. Warren F. Spalding, Secretary Massachusetts Prison Association, and myself. This committee was instructed to "investigate the character, methods and influence of the county jail system of the United States, and to report to the next Prison Congress the data secured, the conclusions reached and the improvements recommended." As chairman of that committee, I submit the following report:

### REPORT OF COMMITTEE ON JAILS.

CHARLES R. HENDERSON, CHICAGO, ILL., CHAIRMAN.

In accordance with the terms of this resolution, your committee has faithfully labored, during the year, to collect, tabulate and consider all procurable facts and competent judgments on the subject. In this investigation, we have been materially aided by Superintendent Whittaker, of Indiana, who printed the schedules, and by *Charities and The Commons*, whose vigorous agent, Mr. L. G. Palmer, selected a list of reliable visitors and sent out the schedules. Most of the visitors have been intelligent and careful in their inspections and reports, and we are greatly indebted to them and would be glad to recognize them publicly and by name, if permitted.

The scope of the investigation was determined by the resolution creating the committee; we were to report (1) upon the actual conditions of county jails and workhouses in the United States, and (2) to offer recommendations for improvement.

The schedules used were based on forms successfully employed by the authorities of Indiana in a similar inquiry into conditions in that State. There are over forty questions in this schedule, calling for detailed information on all aspects of jail conditions.

The results were carefully tabulated under the following heads: (1) Security of the jail as a place of restraint; (2) conditions affecting the health of prisoners, as of food, underclothing, beds and bedding, cleanliness of building, ventilation, heating, light, water, sewage, bathing, exercise, recreation, medical care, crowding; (3) occupation and idleness of prisoners; (4) personal contact and influence of inmates on each other; provision for separation and classification by sex, age, character; witnesses, debtors, tramps, abnormal persons, children, youth; (5) educational and religious influences; (6) administration—fees for feeding, receiving and discharging prisoners; (7) discipline—rules of conduct and measures of control; (8) population of jail and its classification.

We have also collected and made abstracts of the laws of all States relating to jails. We have gathered over 289 schedules from 37 states and territories, including the District of Columbia. Every geographical division is fully represented in this collection, and from some states a large number of counties have reported. We have materials for a picture of the conditions in city, town, village and wholly rural jails, east and west, north and south. The reports are intelligent, impartial and honest, and the information is as exact as can be obtained without personal inspection by trained experts. In several cases the investigation is reported by trained experts. We may regard the testimony as substantially correct and reliable.

Of course only government statistics could pretend to be complete for the whole country; but our intensive study of fewer institutions gives a more definite and searching picture of the facts than the government census itself. They should be studied together.

In addition to the other facts furnished by the reports on schedules, the committee has studied former discussions of the National Prison Association, reports of State officials and boards,

and studies of various intelligent investigators. It will be impossible to present all the facts and opinions considered, and we must select some of the most significant materials bearing upon the recommendations which we offer for further discussion.

#### CONDITIONS OF COUNTY JAILS IN THE UNITED STATES.

The tables themselves cannot be reproduced in this report, on account of space and cost involved; but the summarized results of a study of all the materials, with minute accounts of particular typical jails, will not give a false impression.

When it is possible to give a really statistical form of the data, we shall do so.

##### *I. Conditions of Security.*

The primary purpose of a jail, according to general practice, is to retain arrested persons, and, in the case of convicted misdemeanants, to punish them by a period of restraint of liberty—especially if they are too poor to pay a fine.

A few jails are reported to be too badly constructed to hold dangerous criminals; but, apparently, nearly all are secure or contain steel cages for special cases. There does not seem to be pressing need of attention and reform in this matter.

If the only or chief purpose of jails were to keep wild beasts in cages, most of them are well enough adapted to this purpose.

##### *II. Conditions of Health.*

Your committee has a very large mass of reliable information in respect to the physical conditions affecting the health of the inmates and the public. Recent discoveries have more clearly revealed the fact that communicable diseases cultivated in jails are a menace to the public. John Howard, with very inferior scientific knowledge, tried to make England realize this point in the eighteenth century, and neglect of it has been the responsible cause of thousands of deaths—of sheriffs, jailers, judges and honest work people. Even if the unconvicted prisoners, many innocent of crime, could be disregarded, public interest in the hygienic conditions of jails is involved.

1. *Food.* The majority of investigators seem to be satisfied with the food furnished the prisoners, and few express dissatisfaction with quality, quantity or mode of serving.

But they furnish dietaries which compel your committee to believe that the food usually, or at least often, supplied, is by no means up to a modern standard, is not a "balanced ration," containing, in proper proportions, the elements necessary for the human body. The dietaries often reveal an excess of stimulant, in coffee, too little milk and cereals, too much meat. It is not unusual to read that idle prisoners are fed meat two or even three times a day.

This whole matter should be placed in the hands of a medical commission in each State, with power to fix a standard diet, adapted to the climate, the season, the activity, the age and the sex of prisoners. Speaking with all due respect of county officials we affirm, upon our evidence, that they are not usually competent persons to draw up a dietary for prisoners of any kind.

And as to the customary mode of serving food, we can use no milder phrase than that it is revolting and demoralizing and often dangerous to health. It would seem that the average county authorities think that anything is good enough for a prisoner, and that the word "prisoner" practically means a condemned criminal.

We have grave doubts about the wisdom of permitting friends of prisoners to bring them food. It is difficult to prevent the surreptitious introduction of tools for escape and even weapons of assault in the food.

All the hygienic rules of a well-ordered establishment are disturbed by this permission; discipline is made more difficult, because of the partiality shown favored persons. The State should furnish suitable food to each prisoner and no outside interference should be permitted. Differences of food may properly be made with various classes of prisoners—as persons waiting trial, convicted misdemeanants, prisoners under disciplinary punishment, children and women. It is scandalous when a sheriff or his friends are permitted to make money by trading with prisoners.

Our conclusion is that food is generally sufficient, sometimes excessive in quantity; but that in variety, balance of elements of nutrition, and mode of serving, serious reforms and State central control are much needed.

2. *Clothing, and especially underclothing.* The supposed brevity of term in a county jail and the fact that many inmates are simply in temporary detention, awaiting trial, are factors influencing public care for clothing. The jail differs, in these respects, from a State convict prison or reformatory.

In jails (as distinguished from local houses of correction, workhouses and penitentiaries), there is no thought of uniforms. The prisoner wears his own outer clothing as a matter of course, unless it is absolutely too tattered and filthy even for the society of a jail.

The questions which called for data relating to clothing were: "Underclothing changed how often?" and "Does county furnish underclothing?" The general rule seems to be that underclothing is changed once a week.

The custom of supplying or not supplying underclothes differs not only from State to State, but from county to county in the same State. We think it would be approximately correct to say that usually the county authorizes giving underclothing when it is imperatively required for health and decency, and that the prisoner is required to furnish his own underclothing when he is able to do so.

Naturally the authorities vary considerably in their judgment of what is necessary and in their generosity to poor prisoners.

Only central State regulation, supervision and control could secure reasonable and uniform treatment of inmates. At present, the replies reveal inequality and partiality which shock the sense of equity and justice.

3. *The conditions relating to beds, bedding and cell furniture* may be considered together. The questions asked were: "Kind of beds?" "Kind and cleanliness of bedding?" "Bedding washed how often?" "Other furniture?"

Spartan simplicity reigns in the furniture of cells: a table, a chair, an iron frame, hinged to swing against the wall or a canvas hammock, occasionally a shelf and a mirror. Often we

must imagine bunk over bunk, in the same cell or cage, crowded until the horrors of stench and suffocation are indescribable. Simplicity is desirable; there is no call for luxury; but there is no reason or fairness in subjecting unconvicted citizens to dirt and crowding, and thus punishing them more severely than the felons sent to a State prison, and that even before trial, while they are legally and presumptively innocent.

So far as we could learn, the prisoners rarely suffer from cold, since the building, in cold weather, is usually artificially heated, and light bed covers are adequate.

It must be confessed that jailers should not be hastily blamed for the dirty condition of blankets, coverlets and sheets, of which many inspectors report. The clothing of vagrants, tramps, inebriates after debauch, and of disorderly women, is not often immaculate, and very frequently is densely inhabited. The boarding houses and dens, from which many come, are alive with vermin and charged with germs of communicable disease. The life habits of many prisoners are on a level of those of savages, with a certain civilized refinement in the art of accumulating the conditions of disease.

What can be expected, when we are told, as we often are, that prisoners are graciously permitted to wash their own bed covers, inside the jail, when the dirt becomes unendurable? When the bath tub is the only laundry, the chance of spreading disease is increased.

But under an open jail system, the filthiest, vilest prisoner punishes and tortures those who have not yet sunk to his level, for the vermin crawl from him to others and the stench from his dirty bedding defiles all other cells and corridors. Under an isolation cell system, this could be prevented; with the open structure, practically universal, it is impossible to prevent it. This is true of the lockups of many cities as well.

What can you look for in cells where unclean persons roll in their beds, both day and night, often lying down with clothing and shoes on? Cleanliness would be a miracle, and therefore it is rare. The best the visitor dares to write is "the bedding is fairly clean, considering the situation." The situation is vile.

We have no information in the schedules about the methods



of cutting hair and shaving faces; but we have seen and heard enough to convince us that, at this point, there are innumerable opportunities of conveying disease.

4. *Cleanliness of Building.* One of the questions asked in the schedule was: "Cleanliness of building?" In respect to corridor floors and walls, and the halls leading to the jail, the jailer has a better chance and more control; and therefore the most frequent answer was that these parts of the building were clean. Possibly, in a few cases, there was a special revival of scrubbing, whitewashing and painting, in anticipation of a visit of some distinguished lady or gentleman, representing a learned profession and the American Prison Association; but this was not common. We can say that the floors and walls of most jails inspected were tolerably clean, so far as the naked eye could see. None of our visitors reported the use of an immersion lens microscope in his examination of the scrapings of floors and walls. The bacteriologist, alone, could render a strictly scientific verdict.

County officials generally do not profess to be bacteriologists; but a State central board of supervision might well take up the study by employing an agent with fortified eyes. Some of the most dangerous and numerous enemies of humanity are not detected by a casual visitor, and do not affect the sense of smell.

5. *Ventilation.* The visitor was requested to report of the jail: "How ventilated?" The answers are not often satisfactory and this is not surprising. Ventilation is a complicated subject. The adequate and constant supply of fresh air depends on several factors: the cubic contents of an inhabited space, the number of persons residing in this space, the methods of influx and exit, the character of the air outside the edifice and in the cellar, the methods of setting up currents as by open grates or fans. The art of ventilation and the hygienic necessity for it are not always understood even among educated people. Science is not yet popular, nor well taught in schools; and science is supposed to be too good for "jail birds." So long as the superstitious dread of "night air" fastens down windows in palaces, and so long as tuberculous children cough out bacilli behind double glass windows of mansions, what can we look for in jails?

The answers are often vague. Mention is made of windows, rarely of ventilating pipes from cell through roof. But are the windows open? Are the pipes stopped up with newspapers "to prevent draughts?" We do not know. We cannot trust to instinct and the sense of smell. The most deadly bacteria are odorless, as well as invisible to the unaided eye. A State bacteriologist or sanitarian would examine the air with microscope and other instruments of precision, and he would order changes, dictated not by mean local politics, but by the universal demands of science.

6. *Heating.* Each visitor was asked to report on the jail: "How heated?" The replies indicate, so far as can be judged, that the heating is generally adequate. As the county jail is generally near the court house, often in the same yard, the one steam heating plant provides warmth in cold weather for sheriff's or jailer's residence, for the jail and for the court rooms and county offices.

We should like to know more of the connection of the heating arrangements with those for ventilation; but on this important point we have comparatively little information.

7. *Light.* The question was: "How lighted?" We frankly confess this question was not a good one; the special inquiry was not thought to ask about sunlight, and the usual answer related only to the minor matter of artificial light for evenings. It is very interesting to note the large number of jails using electric light, even in villages. This light does not defile the air, is cooler in summer and can be better controlled by the jailer.

The plans of the jails reveal what the answers do not, for the places of windows are often shown. So far as we can judge from the plans and descriptions, the window space may be large enough, but the position of windows in relation to cells is inexcusably bad. It is simply impossible to furnish adequate sunlight in cells with the customary style of building.

The very structure of the ordinary jail is radically wrong and offends against the laws of health. From ocean to ocean, one uniform plan has been slavishly copied from bad models—a cage of cells surrounded by a corridor. Into this corridor are

emptied the foul breath and foul language of the occupants of darkened cells. It becomes a common reservoir of deadly elements. The light of windows and the pure outer air do not enter the cell directly, but only through this corridor. No man builds a pig pen or a hen coop on such a monstrous plan. The jailer's residence, adjoining, always admits sunshine and air directly into each sleeping and living room.

8. "*Source of Water Supply?*" The answers are fairly satisfactory. The typical jail is supplied from the city, town or village water works, whatever that may be. But frequently this water needs to be sterilized to be safe for drinking purposes. On this point, we have not sufficient information; and the problem is one for special investigation. Here, again, a scientific inspection by a central State sanitary authority, with vigilant supervision and rigid control, are imperatively demanded. Local supervision and regulation are farcical. There is too much faith placed in filters; boiling the drinking water is seldom, if ever, mentioned.

9. *Sewage.* The questions were: "Closets: How many? Condition? Are night buckets used? Condition of plumbing? Kind of sewerage? Condition?"

Our table shows quite full and clear information on these points, and we are in a position to speak with a degree of definiteness on the conditions relating to disposal of human waste.

One remark in the reports requires comment. It is occasionally announced, with a note of boastful pride, that the building is clean and the closets sanitary, and that "disinfectants are freely used." We can quote the highest medical authority for saying that the smell of carbolic acid or chloride of lime is suspicious; for where plenty of hot water and soap are used, and where sunshine and air freely play in every corner, and where the plumbing is perfect, disinfectants are not needed.

10. *Bathing.* We sought information on this important point by asking: "Are there bathtubs or showers? Number? Where located? Condition? Bathe how often?"

It is generally conceded by public sanitary authorities that the bath tub, in a promiscuous crowd of persons, many of

them having venereal skin diseases, is a vehicle of contagion which ought to be abolished. The shower bath, passing warm water over a well soaped man, on a well drained cement floor, is more effective and far less dangerous. It costs less to supply warm water. The reports seem to show that there are very few shower baths in our jails, and that where any facilities are provided, they are tubs, which are easily made dirty and dangerous, and are hard to keep really clean and safe.

11. *Exercise.* "Prisoners' Exercise. How conducted?" For answer, we hear, in almost all the reports, the dull, monotonous, maddening tramp of prisoners aimlessly walking up and down the corridor of the county jails of our land. Of course this tramp is not at the specific command of the jailers; the slouching march over the same dead level of stone floor is the only means of exercise, and in that sense is compulsory. In François Coppé's story, *Le Coupable*, we have a vivid and dramatic picture of the physical and psychical effects of this irrational, aimless, maddening form of exercise.

The problem of exercise cannot be separated from that of occupation and industry. To some slight extent, the deplorable situation is partly relieved by the fact that trustees are sometimes set to work on lawns or other outside work; that here and there a stone pile furnishes rude music and the faint hint of useful labor; and that generally the prisoners must give a few minutes of their tedious days to making beds and cleaning floors.

But let anyone of us imagine himself waiting, perhaps for many months, perhaps even for years, with no exercise but the tramp, tramp in the close and dark corridor of a county jail. It is the path straight to lunacy. Why not have walled yards in the open air, partly sheltered from rain, covered over with steel wire to prevent escape? It is simple; it is easy; it is human justice; it is social interest and wisdom. But it is rarely thought of. Anyone who has seen French jails of the better sort, knows how easy it would be to correct this defect.

12. *Recreation.* A certain amount of diversion is necessary for sanity, especially with idle men. In a very few jails, some attention has been paid to this matter. When Mr. Whitman was

jailer in Cook County, Illinois, he developed some interesting plans in connection with his Moral Improvement Association and his library. We fear that the reading of prisoners and their conversation are seldom helpful to character. Card playing is the universal resource for passing the dull and anxious waking hours; it is better than nothing and probably aids mental sanity; but too much of it is stupid and stupefying.

13. Of *medical care* of prisoners, we learned little from the schedules, chiefly because no specific question called for information. In a few large urban jails, a ward is set apart for a hospital. Occasionally it is reported that a physician, paid by the county, makes regular visits or comes at call.

14. The facts about *crowding* are fully and clearly brought out in the schedules, which called for answers to the questions: "Number of cells? For men? For women? Size (of cells)? Where are children kept? Inmates present—men, women, boys, girls?"

Here we have to do with population and its crowding, with reference to health. It is evident that a crowded jail or a crowded quarter of a jail must have vitiated air, must depress vitality, must increase tendencies to low vice and hence physical and moral degeneration.

All stages of occupation of space are reported, from the entirely empty rural institution, in a prohibition county of Kansas, where the only inmate was a man who had kept a "blind pig," to the ill-smelling city jails, where, at times, the cells are packed at night like the lower deck of a slave ship, and where the corridors afford scant room for the crowd of men who swarm in there during the day. An average for the whole country would mean nothing. A few illustrations of jails, where conditions cry out for reform, would be more instructive.

Our standard of crowding is that a cell is crowded when it contains more than one inmate, and less than the necessary cubic feet of air space and less than the desirable current of ventilation, day or night.

Let us take some examples from jails in urban counties:

In Birmingham, Alabama (first in alphabetical order of

States), we find reported, 240 men in 72 cells and 25 women in 10 cells. The cells are 8 by 9 feet. There was one boy.

In Denver, Colorado, there were 189 men in 90 cells and 22 women in 20 cells, 6x9 feet.

In Los Angeles, California, there were 135 men in 88 cells; there were 30 cells designed for four men each, and 48 cells designed for two men each, 8x8 feet and 8x6 feet.

In Colorado Springs, Colorado, there were 55 men in 19 cells, and 4 women in one cell room.

In Stockton, California, there were "6 drunks" in one cell, 15x18 feet, and 46 prisoners in 26 cells.

In Washington, D. C., the total capacity claimed by the authorities was 320, while the total population was 474—a bad example for the capital city of the nation.

In Chicago, Illinois, there were 434 men in 368 cells, with 39 boys in a congregation by themselves.

In Indianapolis, Indiana, 143 men and 16 women in 54 cells. There were 2 boys, and children are kept in the women's department.

In Terre Haute, Indiana, there were 73 men in 35 cells, and the visitor says there have been 110 at a time in this jail.

In Marion, Iowa, a small jail, built with 4 cells for men, had 20 men.

No jail in Kansas is reported as crowded. Is that because it is virtually a prohibition State? But the jails of Kansas are not models. Rural and village jails usually have space enough for health, but they are among the worst for vile familiarities of association. The ordinary standard for judging whether a jail is crowded or not is too bad for a stable or cow shed, much less for human beings. This common standard is that so long as men can find room in bunk, hammock or on stone floor, with a newspaper for a mattress, that the place is spacious enough. This is manslaughter.

The modern, up-to-date, scientific standard is that each prisoner, awaiting trial, must have a decent and spacious cell to himself, without corrupting and degrading contact with criminals; and that when two inmates are in company, there is crowding in

the hygienic and moral sense. Judged by this modern standard, almost every jail reported to us requires to be rebuilt on a new plan; almost all are liable to be crowded, if there are more than two or three prisoners at one time.

### III. *Occupation of Prisoners.*

The inmates of jails are chiefly of two classes, those awaiting trial and convicted misdemeanants. Sometimes there are tramps and abnormals. It is not necessary to offer proof to the American Prison Association that useful work is a necessary condition of physical and moral soundness.

We already know that the inmates of our jails are generally idle.

In certain places there is some attempt to connect a stone pile or some such makeshift and make-believe employment with a jail, largely for the discouragement of tramps.

In 143 jails no occupation is reported for men, and in 155 jails women are said to be entirely idle. In 26 jails the men do a little housework, and in 33, the women help with cooking, scrubbing and other routine tasks. Perhaps many of the men and women reported idle may be required to keep their cells in some kind of order, though this is not reported in the schedules. In 7 jails the women do sewing. Workshops for men are mentioned in 7 jails. City prisoners are worked in chain gangs in two prisons in Colorado, and in three other jails, work on streets or roads is mentioned. Idleness is the rule. In only 2 jails could we find any custom of encouraging labor by payment of gratuities or wages.

In Maine, Connecticut, Massachusetts and Pennsylvania, some systematic arrangement for industries is made.

Under the present jail system, and the laws relating to jail population, we are satisfied no considerable improvement can be made. The disease is too deep to be cured by mild remedies.

The ordinary term of imprisonment of convicted misdemeanants, vagrants and inebriates is too short for any sort of industrial training or systematic production.

The local county jail has too small a population to justify systematic arrangements for rational and productive employment under competent direction.

A careful study of the situation in all parts of the land has already driven many of our members long ago to the conclusion that we must have district labor colonies or workhouses for those convicted of offenses, and that the term of degenerates must be at least two years, if we really intend to fit them for useful lives.

#### IV. *Personal Contact and Influence of Prisoners Among Themselves.*

Useful labor and good company are two of the most essential factors in forming a good character; idleness and vicious companions inevitably destroy fitness for social conduct.

Our investigation has brought together all the essential facts relating to the conduct of prisoners with each other. Under present conditions and laws, the county must provide for males and females; children, youth and adults; first offenders, habitual criminals, vagabonds, prostitutes; witnesses held for their testimony; poor debtors whose crime is their poverty; idiots, imbeciles, insane, epileptics; persons arrested on suspicion and apoplectics whom the sapient policeman could not distinguish from drunkards. Often all these, under one roof and management, in a building so built that cries and whispers travel along a corridor with cages open at the side.

We are strongly tempted to specify particular cities where nameless abuses exist; where vile men find their way to the door behind which prostitutes stand; where little children are kept in rooms with polluted and diseased adults; where a thoughtless lad is thrust by the hand of our country's laws into the school of vice and crime, taught by trained scoundrels; where a girl for venial fault is shut up with her damnation for a night with some strumpet; where a poor insane victim of brain disorder howls all night in company with ruffians; where an honest fellow, unable to pay a fine for a spree, is locked in with burglars and thieves.

These are not pictures from novels; they are bald, prosaic facts set down by honest eye-witnesses in answer to printed questions.

V. We have inquired, just now, how prisoners help each other to perdition by association in idleness.

What does the State do to furnish counteracting influences



of a higher character? What is the Church doing, in remembrance of Him who said, "I was in prison and ye came unto Me?"

We are ashamed to print the truth, and yet we are afraid to conceal it! We asked our faithful and competent visitors to inquire and answer these specific questions: "Reading matter? Religious services?"

Some sort of reading material is supplied in 253 jails of the 289 jails reported, and none is reported in 25. Mention is made of visitors in 7 jails. Religious services, in all degrees of regularity and efficiency, are held in 183 jails; while in 88, no sort of exercises of this class is known.

#### VI. *Administration.*

It was not necessary to ask our visitors to describe the system of official administration of county jails, for that we find in the laws of the States to which we have given as much attention as time permitted.

The system is fairly uniform and is familiar to the American Prison Association. The county commissioners represent the taxpayers in making regulations and caring for public buildings. Ultimately, as elective officers, they must obey their masters, and so they reflect the popular opinion of the county—its knowledge and its ignorance, its wisdom and its meanness, its humanity and its brutal indifference. Sometimes, let us hope, they make some efforts to educate their masters; but that is slow work, and a very important part of their duty is to exploit their office while they hold it, rather as a sinecure than a trust. We give full praise to commissioners who try to know and do their duty. Only the other kind has any reason to wince at our description of reported facts.

The sheriff is also elected by the people—so it is set down in the law. The inside facts, as told in confidence by "The County Chairman," often have the appearance of a selection by a "ring." Sometimes the sheriff is jailer—the rule in rural communities; sometimes he is a boss and hires a jailer. The method is indifferent. The essential fact which concerns us is that the State law against crime is not executed by State officials, but by local officials. Is this logical? Is it safe?

We did ask one innocent-looking question: "In and out fee?" Some of the visitors did not understand the question; they had never studied the "fee vs. salary" controversy, or it had been settled long ago in their neighborhood. We turned up plenty of ugly testimony to the effect that when a county sheriff is paid for his services in fees, rather than by salary, he must have the sturdy virtue of a Cromwell or a Lincoln to preserve his soul in a state of grace. Most county sheriffs are too honest to pretend to know what a "state of grace" signifies. That much to their credit! But we are attacking a system, not particular individuals, unless they defend the old system; then they come out in the open as public enemies.

The testimony from all parts of the land, demonstrates that the fee system tends to injustice, to false imprisonment, to delay of trials, to plunder of the public treasury, coming and going, in and out, to partisan corruption, to official robbery, to the defilement of the character of the agents of justice.

VII. *Discipline within jails; rules of conduct and methods of enforcing them; and the "Kangaroo Court."*

We find explicit mention of self-government among prisoners, with some degree of control by the jail authorities, in several jails of the Western and Southern States. This self-government is sometimes called the "Kangaroo Court"; whether it was imported from the British South Pacific colonies, along with other strange marsupial animals, we have not discovered information. It seems to be an American revival of a vicious old English custom; its persistence is thought, by experts, to be a proof of the incapacity of the authorities to govern as their duty requires and as one more evidence that the crowding of offenders and suspects, of all grades, in one hall, gives power of tyranny to the basest bullies of the herd. This singular and dangerous institution must be discussed by itself, with further facts.

We have made a collection of rules for the conduct of prisoners by courts, commissioners and other authorities, and these cover the care of cells, cleanliness, order, propriety and personal treatment of officers and fellow prisoners, etc.

These rules are enforced by penalties. Usually these disciplinary punishments are graded according to the offense and the

attitude of the prisoner. In 83 jails, special punishment cells or dungeons are used; in 2 the offender is handcuffed to the door of his cell; in 11 jails reprimand or loss of privileges may be applied; in 6 the diet is restricted; in 8 the offender is confined in his cell and not allowed to walk in the corridor; in 1 jail work is prescribed; in 14 the measures are not specified; in 1 the lighter penalties are applied by the prisoners' court; in 61 jails, no punishment seems to be employed. Here, also, is a large subject for special treatment.

### VIII. *The population of jails.*

The schedules called for information, on the data named, of persons of the following classes, each class being subdivided into men, women, boys and girls: (1) Awaiting trial; (2) enduring a jail sentence or detained because of unpaid fine; (3) sentenced to State prison; (4) sentenced to reform school; (5) epileptics; (6) feeble-minded; (7) sentenced to reformatory; (8) insane, waiting; (9) insane, chronic; (10) tramps; (11) witnesses; (12) city prisoners.

Those awaiting trial and those serving short sentences are naturally the largest number. Only those of the first class should be in a jail; all the others should be placed elsewhere, save those on their way to State prisons and places of correction. In these first two classes, we discern a large number of boys and also many girls, many of whom, under a good system of juvenile courts and detention homes, might be spared the demoralizing influences of the place.

Boys sent to reform schools figure in these columns.

Under the head of "abnormals," we find epileptics, feeble-minded and insane. The authorities are not always, nor often, psychiatrists, and the returns sometimes show hesitation whether a party should be classed as epileptic, insane or just plain drunk. The number is not very large; not large enough to make it a burden to the State to give them decent care in suitable institutions, yet too large for the honor of our country. Manifestly, all members of these classes are out of place in jails.

Of "witnesses" detained for their testimony, 61 are noted in the replies. The reasons for their detention are not given in de-

tail and the whole problem of their presence in county jails requires a separate study.

The column given to "tramps" in county jails reveals the fact that they are found in jails, in almost all parts of the Union. As another special report is devoted to this subject, at this session (by Mr. O. F. Lewis), we omit a discussion of this aspect of our problem.

#### PROPOSED IMPROVEMENTS.

A standard of requirements for a really modern jail; recommendations of the committee.

Some of the requirements cannot be met simply by changes in the structure and administration of the jail itself. Modern conditions and knowledge call for radical changes in laws and in the entire State system of correction and punishment. But some of the improvements demanded could be made at once in any county by an enlightened public and a vigorous county board.

I. The jail must be strong and safe. There are architects and jail builders who can easily and economically construct a jail to meet these conditions.

II. The jail should be so built and its affairs so administered that the health of prisoners and officers shall not be impaired. Among the conditions of health are:

(1) A sufficient supply of simple, wholesome food. The best way would be to have the dietaries regulated by a State commission of physicians. Laymen have not the knowledge to arrange balanced rations, suitable for all classes of prisoners. Local physicians may be authorized to direct diet, in the absence of a State commission.

(2) Clean underclothing is essential to health, and it should be furnished by the county if the prisoner is too poor to pay for it. This underclothing should be washed in a laundry and not in bath tubs, as sometimes occurs.

(3) The bedding should be clean when furnished and kept clean; no prisoner should lie on his bed in the daytime, unless sick, in which case he should be in a hospital ward.

(4) Ventilation should be secured by providing a large cell, with a window opening directly to the outside air; and the air

should be renewed constantly by forced currents through pipes to the roof from each cell.

(5) Each cell should be heated from a central system and the foul air removed by forced drafts. The air of one cell should never be breathed by anyone, except the single occupant of that cell.

(6) Lighting. For artificial light, electricity is best, because it does not foul the air, in summer it does not heat the cell, and it is most easily controlled by the officers on guard.

Natural light is necessary to purify the air and destroy bacteria, and it should come into the cell directly from the outside. A cell without sunlight is a center of infection for the whole jail.

(7) The drinking water should be analyzed by competent experts, and, if necessary, boiled to prevent intestinal disease. Filters are generally dangerous.

(8) The waste water, with human excrementitious matter, should be disposed of through approved plumbing drains and sewers. Cesspools are dangerous as well as disgusting. Night buckets cannot be kept clean.

(9) Provision for bathing should be made by means of shower baths, in screened compartments, and the waste water conveyed by cement floors to the sewer. Tubs are means of communicating venereal and other diseases.

(10) Provisions should be made for at least one-half hour's exercise, daily, in the open air. Still better, if convicted prisoners must be retained, by some useful industry in the open air or in well ventilated sheds or rooms.

(11) Recreations are essential to health if prisoners are held for some months.

(12) A jail should be provided with a hospital ward for the sick, or with special cells. A physician should call, at least once a week, to inspect sanitary conditions and should be ready to give advice and aid to the sick at all times, at the expense of the county where the prisoner cannot pay.

(13) The prisoners should not be crowded, for crowding vitiates the air and increases peril from contagious and infectious diseases. Each prisoner should be in a cell alone.

III. Occupation. Idleness is injurious to health and morals of the prisoner and burdens the public. Prisoners awaiting trial should have an opportunity of working for wages; and if convicted persons must, for a time, be kept in jail, they should be compelled to work at some useful and productive industry.

IV. Personal Contact of Prisoners.

1. Classes of persons who should never be placed in a jail or a lockup. The sick, those suffering from sunstroke or apoplexy, the insane, the feeble-minded, the epileptic—all who are abnormal or ill—should be sent to a hospital, never to a prison.

Boys and girls who have committed some offense, or are in trouble, should be sent to a detention home and placed under the care of school officers.

First offenders and many drinking men who are now committed to jail on sentences, might better be disposed of by suspending the execution of their sentences, on condition that they secure employment, use their earnings for the support of their families and keep out of vicious company. If the court has a probation officer, the man should be placed under his supervision. If there is no probation officer, the man should be required to report to the court, or to some person designated by it, at stated periods. If work on public roads is in progress, it might furnish employment for men released on suspended sentence. (W. F. Spalding.)

2. Every convicted person, the moment sentence is pronounced, should be taken immediately to the proper reformatory, penitentiary, district workhouse or labor colony.

Thus the number of persons in county jails in idleness would be greatly reduced.

3. Only persons charged with serious offenses and crimes and awaiting trial, should be left in the county jail; and each prisoner would be saved from contamination by being placed in a cell so constructed that he could not see nor converse with any other prisoner, but he would be under the watch and influence of proper persons appointed by the authorities.

V. Outside Influences. Suitable provisions should be made, in the character of sheriffs, jailers and guards, and by visitors

from without, to influence the prisoners in confinement by conversation, reading and proper recreations.

VI. Administration. All officers who come in contact with prisoners should be paid adequate salaries, and the fee system should be abolished as a source of corruption and injustice. No one who has to deal with prisoners should be permitted to sell them food or luxuries.

VII. Discipline. Rules of conduct of prisoners should be drawn up by a State central authority to prevent arbitrary treatment of prisoners. Disciplinary measures should be defined and limited by the same authority.

### SOME PHASES OF VAGRANCY.

ORLANDO F. LEWIS, NEW YORK, N. Y.

The Pennsylvania Railroad has recently reorganized its police department in order more effectively to diminish vagrancy on its lines. Officers of the law have been asked to prosecute vigorously all railroad trespassers. This action of the road was directly incited by a recent terrible accident at Ridgeway, Pa., when a tramp stealing a ride upon a freight train, dropped a bottle of nitro-glycerine, which resulted in the maiming of several of the train crew.

The Pennsylvania Railroad has also called attention to the national extent and seriousness of railroad trespass. In the five years ending in 1905, 23,794 trespassers were killed and 25,236 trespassers were injured on American railroads. Railroad officials estimate that from one-half to three-fourths of all trespassers are tramps. This means that more tramps are annually killed on American railroads than the combined totals of trainmen and passengers annually killed. For every passenger killed, thirteen trespassers killed; for every trainman killed, from two to three trespassers killed. Nor do the yearly totals of trespassers killed show signs of decreasing.

Trainmen are killed in the performance of their duty; passengers are killed while necessarily traveling from place to place;

but trespassers are killed solely because they are unnecessarily or illegally using the right-of-way or rolling stock of the railroad.

The facts and the figures presented by the Pennsylvania Railroad were drawn from two sources: From its own experience and from the recent National Conference of Charities and Corrections, where the discussion at several sessions made it clear that vagrancy is now a national problem, more acute in Eastern States, but sufficiently widespread, constant and costly to the State, the municipality, the town, the railroads, public and private charity, and to individuals, to demand now continued, vigorous treatment.

At the Conference of Charities and Correction, the representative of the Baltimore & Ohio Railroad declared that it would be conservative to estimate that railroad trespass costs American railroads \$25,000,000 a year. For lack of data, I am unable to estimate the cost of maintaining vagrants in penal institutions, nor do we know, save very approximately, what must be annually expended by public charity in almshouses, asylums and hospitals, to maintain those whose maimed bodies, or incompetency, or mental or physical inefficiency, sickness or disease have resulted from previous vagrancy.

Comparing the proportion of trespassers killed and injured in the United States and in the British Isles, we find that while 41,534 trespassers were killed on American railroads in the ten years ending in 1903, only 2,808 trespassers were killed in the same length of time in the British Isles; in other words, about fifteen times as many trespassers killed in the United States. In proportion to the mileage in operation in the two countries (United States and British Isles), trespassers are killed in the United States with from five to six times as great frequency.

A hitherto disregarded kind of fatalities to trespassers is brought out in a recent study by the General Claim Agent of the C. & N. W. R. R., Mr. Richards, upon child fatalities. Mr. Richards says that the law of averages, based on the records of the C. & N. W. and the Pennsylvania R. R., shows that of trespassers killed and injured in the United States yearly, approximately 1,400 are between the ages of fourteen and twenty-one



years, and 1,000 below the age of fourteen years. Mr. Richards estimates that in nearly all of the non-fatal cases the injuries are of a serious nature.

At the National Conference at Minneapolis, preliminary steps were taken to organize a national vagrancy committee, the purpose of which should be to study present vagrancy conditions in the United States; to urge the enforcement of present laws, if reasonable; to aid in securing more adequate legislation; to gain the co-operation of bodies, organizations, officials, the railroads, the press and the public, in securing more adequate treatment of the vagrants, and to collect and disseminate accurate information regarding vagrancy in this country.

In the past, sporadic efforts to reduce vagrancy, however well conducted, have simply driven the work-shy vagrant to the next haven of leisure or land of plenty. To attack vagrancy effectively, the main principles of a consistent program must be followed by all communities. During the last two years, Massachusetts has waged an effective vagrancy campaign, because the entire State has been made the unit of activity. In consequence, the number of vagrants in that State has diminished remarkably. This was accomplished under laws passed in 1905, requiring that the mingling of vagrants with paupers in almshouses should be forbidden, and that all able-bodied vagrants, whenever lodged at the town's expense, should be required to render reasonable work in return for food and lodging, which should be adequate. The result was as follows:

In 1905, 89 almshouses lodged 23,341 vagrants.

In 1906, 61 almshouses lodged 7,900 vagrants.

In 1905, 17 towns lodged 2,711 vagrants.

In 1906, 17 towns lodged 254 vagrants.

These figures show a reduction in one year of about 60 per cent. in the number of vagrants lodged in almshouses, and a reduction of more than 90 per cent. in the number of vagrants lodged by towns. Yet the vigorous following-up of vagrants in Massachusetts, largely by eliminating their chances for free bed and board without compensatory labor, probably means that there are now more vagrants in contiguous States.

For the present, our general treatment of vagrancy should be mainly and more thoroughly deterrent. The able-bodied vagrant should be made to work for what he receives, but this means that we must have facilities to test the willingness to work. The incapacitated vagrant should be cared for in institutions, and not be permitted to beg a wretched or hypocritical existence. The punishment for intentional vagrancy should be so severe and so conspicuous as to act as a strong deterrent. Short sentences or suspended sentences do not seem to turn back the majority of vagrants to industrial efficiency, while the moving-on process simply inflicts the tramp upon the neighboring community.

The making of the vagrant is no short process. Months or years of increasing intention to live by the sweat of some one else's brow elapse before the "rounder" or confirmed parasitic idler is made. A few days or months in confinement, often without hard labor or even reasonable work, is naturally therefore no cure for what has often become a chronic unwillingness to work. It may deflect the occasional vagrant, the vagrant-in-the-making, back to work; but the habitual vagrant must be more severely dealt with, by segregation for years if necessary, under an indeterminate sentence, in a compulsory labor colony, where hard labor is required.

The deterrent effect upon vagrancy of adequate laws, vigorously enforced, has to my knowledge not been generally tried in the United States. We can meet the vagrancy question in two ways: First, by allowing vagrants to grow, and then trying to reform them; secondly, by literally "frightening them out of their growth."

It has been reported to me that of the prisoners confined in the Philadelphia House of Correction in 1904, 65 per cent. of all prisoners discharged had served but one-half their time. Over 57 per cent. of the prisoners had been previously committed to that institution; nearly 10 per cent., ten or more times; nearly 9 per cent., twenty or more times; fifty persons, fifty or more times; five persons, eighty or more times. What effect upon these repeaters would cumulative sentences have of three months, six months, and a year, if accompanied in each instance by hard

labor? The Syracuse Charity Organization Society reports the county penitentiary to be a winter vacation resort for tramps. The constable to whom they deliver themselves up in the fall fees them upon their release in the spring. Their only occupation is stripping willow.

At Lawrence, Kansas, the Associated Charities reports the sequence of events to be (1) arrest of vagrant; (2) fine; (3) sentenced to work on rock pile in lieu of fine; (4) no guard placed over prisoners; (5) vagrants run away; (6) which is what is intended. Of thirty-one cities reporting to me by letter through their chiefs of police, seven require no work of convicted vagrants. Work in some of the other cities is likely to be largely "on paper." In thirty-six cities so reporting, the predominating minimum sentence for vagrants is thirty days, the average sentence only thirty days, and the predominating maximum sentence, six months. Had I time, I might supplement these instances, reported from Associated Charities and police chiefs, by many reports of inadequate or suspended sentences reported during the last two months by the press, and forwarded to me by a clipping bureau.

For vagrants not under restraint, municipal lodging houses should be established in place of over-night police station lodgings, in cities having a vagrancy problem. One-third of the cities reporting to me through their police chiefs, still lodge vagrants in police stations, with inadequate accommodations. In New York City a municipal lodging house was established in 1896. In the ten following years, ending in 1906, free lodgings were given to 541,862 men, 62,058 women, and 18,165 children; total, 622,085 persons. In 1901 a municipal lodging house was established in Chicago, and the further use of police stations by tramps (save when arrested) was forbidden. In 1902 the number of free lodgings given by Chicago to vagrants fell off over 80 per cent., decreasing from 92,591 to 11,097. The superintendent of the Chicago municipal lodging house estimates that in the last five years the institution has saved the city over a half-million lodgings. The financial saving to the city may not have been considerable, but the value of discontinuing in five years a half-million inadequate lodgings cannot be too strongly emphasized.

Yet both New York and Chicago, it seems to me, distinctly fail in so far as they offer lodgings and meals, without the compensatory and disciplinary work test, extending, in fact, an invitation to the homeless and vagrant person to come and have bed and board temporarily for nothing. Municipal lodging houses might be regarded rather as institutions where the penniless, able-bodied applicant can by work earn his bed and lodging—in short, for the able-bodied a work test, with pay in lodging and meals. Begging should be vigorously prosecuted, and in cities having a vagrancy problem, there should be at least one mendicancy officer, in plain clothes, whose whole time should be given to the suppression of begging. Only thus will the imposter be checked in an often lucrative employment, while the worthy indigent may be directed to the poor officials or the charitable society for rational aid.

If our present methods err in not being sufficiently repressive to the vagrant by intention, they are also not sufficiently helpful in most instances to the occasional vagrant, the vagrant-in-the-making, or to the honest wayfarer seeking work. We are loth to punish severely for fear of doing injustice, but we hesitate to offer much aid for fear of being duped. Our treatment or attitude toward the vagrant is apt to be negative, rather than positive, just as the vagrancy itself might be defined as the state of being legally nothing else. The magistrate sentences to a few days in jail, or suspends sentence on condition that the "vag" proceed within twenty-four hours to leave town. He is warned by some town officers not to get off the freight train, and other town officers boost him aboard. At harvest time some Western farmers pray for his coming, as sometimes they do for rain; in the Eastern States the farmers' wives recoil from his demands at the kitchen door, and fear assaults upon themselves and their daughters along the highway. The fiendish assault by a tramp on a little girl in Pennsylvania has just resulted in his conviction to 54 years of imprisonment. Yet this tramp confessed to a long previous career of vagrancy, and several previous atrocious crimes.

Nobody wants the tramp, save under industrial pressures, yet few attempt to treat the tramp question consistently. The railroad throws the tramp off at a town, and the town, recognizing no claim by such a wandering alien to public care, refuses to meet the expenses of maintenance. If work tests were available for the vagrant out of jail, and if the maintenance of the vagrant, while in jail, were made a State charge, these conditions might be largely altered. The magistrate orders the vagrant to leave town because he cannot test his professed willingness to work, otherwise than by making him a town expense while in jail. President McCrea, of the Pennsylvania R. R., states that his road receives "little or no assistance from local authorities in the prosecution of vagrants. Frequently when taken before a magistrate a vagrant is discharged or released from county jail within a day or two; county commissioners claim it imposes too much expense on counties to maintain vagrants in jail at the expense of the taxpayers."

The Massachusetts law, mentioned above, was intended to provide not only the work test in every community for able-bodied vagrants, but also the chance for the honest wanderer to earn his bed and board. It became, however, so evident that the improved accommodations for vagrants prescribed by the new law would be so expensive, and the required sanitary standards of the State Board of Health so embarrassing, that many towns simply discontinued giving public relief to vagrants, either in the required "tramp-houses" or almshouses, and simply arrested all vagrants applying for shelter, sending them to court the next morning. Thus Massachusetts deterred vagrants, but the wayfarers, honestly looking for work, were not provided for, and ran serious danger of arrest. Unless we are ready to claim that there *are* no honest, penniless wayfarers, seeking work, or that no such wayfarers need ask public charity over-night because work is plenty, the working-out of the Massachusetts plan will seem satisfactory only on the repressive, and not on the helpful side.

In more generally adopting repressive measures, the pendulum of treatment will be apt to swing from former leniency, or "the benefit of the doubt" to an attitude of mind that regards

all vagrants as so much human slag. In emphasizing the need of more rigorous treatment, we may err in giving "no quarter." In efforts to rid railway lines of tramps, it is possible that sometimes short shrift will be made with the tramp found riding upon the cars.

In the past, bread lines, soup kitchens, over-night meal tickets and bed tickets have been much used because, in our lack of knowledge of the vagrant, we have been unwilling to assume possible hypocrisy in the face of apparent urgent need. Yet we know that such indiscriminate charity does not cure, but contributes to further demoralization. The woodyards and wayfarers' lodges of charity organization societies offer reasonable work, with reasonable lodging and food in return, but the fact that the elusive vagrant, so many times, either refuses to work, or does not return for further work, leads easily to a belief that no vagrants will work. The woodyard and wayfarers' lodges are thereby rendered but temporary expedients in furnishing relief, and the willingness of charitable societies to make the work-test the gateway to more permanent assistance is nullified.

Another important activity of the National Vagrancy Committee should be a thorough investigation of the conditions of vagrancy in this country. Our present knowledge on the subject is scattered and largely personal. A striking contrast to our hazy information is the recent three-volume report of the English Departmental Committee on Vagrancy, containing the complete minutes of more than fifty sessions of the committee, the statistical and documentary matter presented to it and its conclusions. Not until we have collected similar material for at least sections of our land, can we begin to feel confident that we know in a general way about American vagrancy.

In these activities of the National Vagrancy Committee, the National Prison Association should, it seems to me, take a prominent part, both in membership and endorsement. Vagrancy is both a charitable and a correctional problem. I have had but time to suggest such examples of jail conditions as confirm the potential vagrant in his development. Time has prevented me also from emphasizing not only the inadequacy but the demoral-

izing influences of over-night lodgings in police stations or rural lockups, where tramps sleep on planks or straw, and are moved on in the morning, after being fed on crackers and cheese, or bread and water, for which they frequently render no labor.

We shall therefore with increasing frequency be called upon to consider during the next decade the feasibility in the United States of labor colonies for vagrants. Massachusetts has a State Farm, resembling in some respects a German compulsory labor colony, but other states generally still sentence vagrants to jails, workhouses, houses of correction and penitentiaries. The experience of Germany with labor colonies deserves our present attention.

The establishment in the United States of voluntary farm colonies on the German pattern, seems inadvisable. The German voluntary colonies have little reformatory influence; colonists enter and leave largely at their own volition, marking prominently the advent of fall and spring. The average stay of the majority is but a few months. Only about 20 per cent. go to situations; over one-half the colonists have already been inmates of colonies on one or more occasions. In some colonies three-fourths of the colonists are discharged prisoners. Voluntary colonies seem to be the last resort for wayfarers who are unable to find work or exist otherwise; the colonies serve in addition as a passing-out home for many discharged prisoners. Voluntary colonies, if established at present in the United States, would offer optional employment rather than necessary employment; they are in Germany more valuable as offering a home for several months to the wanderer than as teaching him the road to reform and industrial efficiency.

On the other hand, the compulsory labor colonies of Belgium, Germany and Switzerland deter vagrants. The English Departmental Committee on Vagrancy, pressed by the union of indeterminate sentence, hard labor out of doors, and the segregation of the prisoners for a considerable period, has recommended the establishment of compulsory labor colonies in England. In the United States, as elsewhere, their reformatory effect would probably be slight, but their deterrent effect would be considerable. The annual gross cost in the German workhouses is compara-

tively small; in Westphalia, in 1902, \$86.62 per man, average earnings \$42.24, net annual per capita cost \$44.38. In three other workhouses, the annual deficits, paid from public funds, ranged from \$11.40 to \$17.46. The work is chiefly industrial.

Had I time, I would wish to present before this Association the question of the establishment of State hospitals for inebriates, where extended free treatment of curable cases might be undertaken.

#### SUGGESTED CORRECTIONAL TREATMENT OF VAGRANCY.

1. Vagrancy to be considered a national problem.
2. The general treatment of vagrancy for the present to be rigorous and deterrent.
3. Establishment of State compulsory labor colonies for habitual vagrants.
4. Establishment of State hospitals for the free treatment of curable inebriates.
5. State maintenance of convicted vagrants in penal institutions.
6. Sentences of convicted vagrants to be cumulative.
7. Sentences of vagrants to be at hard labor for the term of their sentence.
8. State constabulary for policing of highways and rural districts.
9. Organized systematic railroad policing by railroad companies.
10. Co-operation between railroad police, town police and State police in arrest and conviction of vagrants.
11. At least one mendicancy officer in plain clothes in cities having a vagrancy problem.
12. Abolition of police station lodgings and over-night lodgings in rural "tramp-houses." Towns lodging vagrants to provide for them a separate house, or if lodged at the almshouse, separate and distinct quarters. Adequate food and lodging to be given in return for labor.
13. A chance to every able-bodied vagrant to work temporarily for food and lodging.



14. Establishment of municipal lodging houses in cities having a vagrancy problem.

15. Abolition of the "moving on" system of disposing of arrested vagrants.

Dr. Henderson—Mr. R. C. Richards, General Claim Agent of the Northwestern Railroad, is present and we shall be glad to give him a few moments to speak to us.

Mr. Richards—Mr. Lewis has made some inquiries in relation to the number of trespassers that were killed and the proportion of them that were children. When you realize that 25,000 children were killed or injured on the railroad during ten years, and that the number increases every year as the population and the mileage increase, you will understand how grievous a thing it is and how necessary it is to do something to protect the children and ourselves from this constantly growing list of fatalities. It is not so bad when a child is killed, though that is bad enough, as when it is injured, because nearly every injury to a trespasser means the loss of a leg or the loss of an arm, and frequently both. Think of a little child eight or nine or ten years old going through the rest of its life without arms, or without limbs. Yesterday when Mr. Lewis was in my office I had a request from a woman at Milwaukee whose boy lost both his legs twenty years ago, to buy him another pair of legs. We have been buying legs for that boy ever since he lost his own, and I suppose we will until he goes to his reward. On Sunday a little child walking on the track was killed. The child could have reached its destination more quickly by following the sidewalk, but it took the track because there is something there that attracts children. There ought to be some means of keeping them off. The railroad approaches the town where I live over an iron bridge that is probably thirty or forty feet above the water. There is a double track. Trains are going back and forth constantly, and yet every day parents are seen taking their children across the bridge. Now, of course, some day one of those children is bound to be injured or killed. They are taught to use the bridge because it is a little nearer than to go the highway.

I had a call yesterday from a preacher in Chicago who was injured by walking on the elevated track last winter. Because the company out of compassion for him had paid his hospital and doctor's bill, he thought we also ought to pay him, but surely we would not have done that, because we were not liable for his injury. When men teach children to go on these places of course we must expect to have these awful things happening all the time. We talk about laws to prevent it. There is a fine for walking on a railroad track. Nobody ever heard of its being enforced. If a person is arrested because he is trespassing on the railroad, he is always discharged, not even censured. It is railroad property, therefore it is no wrong. Every month, probably every day in the year, here in Chicago, on the elevated track, somebody is killed. They are trespassers. Now, gentlemen, of course this question may be a little out of line with that in which you are interested. It is a matter in which almost every railroad man is interested. Sometimes they say we become calloused to these things. I think we never do become calloused to injuries to children. I hope this Association or some other may do something in the near future toward a solution of this problem.

### AN OHIO WORKHOUSE.

H. H. SHIRER, COLUMBUS, OHIO.

In the annual sessions of this Association very little attention has been given to the discussion of workhouses or county penitentiaries. In the index to the reports of this body, recently compiled and issued under the direction of Dr. Barrows, we find only eleven references to this department of our penal system. To show its importance, I will present some items of data gathered in Ohio.

Ohio has eight workhouses, two of which are called "houses of correction," located in various parts of the State, but principally in the large cities. Five of these institutions are owned and controlled by the municipality in which they are located; three belong partly or wholly to counties. Last year these eight penal institutions cared for 12,730 persons, 2,030 of whom were women

—more than double the enrollment of the National Guard of the State—while our State Penitentiary and State Reformatory cared for only 3,341 convicts. This large number of petty offenders does not include 2,233 persons sentenced to imprisonment in county jails during the last year. From the standpoint of the number of persons in custody the problem of treatment of the petty offender is many times greater than the problem of the prisoners convicted of felony. Some one may say that the felon is more dangerous to society and demands more careful consideration, but it is a patent and well-known fact that many felons first served sentences in workhouses or jails, and many petty offenders are as criminal in their character as the felon is supposed to be. Furthermore, the usual short sentence of petty offenders renders the problem of reformatory treatment very intensive and exceedingly difficult. The workhouse deserves to receive greater consideration hereafter, not only in its own departments, but in its vital relation to the other forms of penal and reformatory systems and methods.

This paper is by request to be limited to one workhouse—the Cleveland House of Correction. This is the largest institution of its kind in the State. Last year 3,971 persons were imprisoned therein. The short terms of imprisonment made a daily average of 428 for the year. During recent years the management has taken several advanced steps of which only brief description can be given in the available time.

On January 1, 1903, the Cleveland House of Correction, by provision of the new Municipal Code, came under the administration of the Board of Public Service, composed of three elective members. For some years prior this institution was under the management of the Director of Charities and Correction, appointed by the mayor. For nearly two years Rev. Harris R. Cooley occupied this office, during which he gave much study to the House of Correction. Under the new form of government prescribed by the Municipal Code, Rev. Mr. Cooley has served as a member of the Board of Public Service and devotes nearly all of his time to the charitable and correctional institutions; in fact, he is still the Director of Charities and Correction, so far as the statutes will permit. Others had been interested in the

economical administration, the sanitary condition of the cells, the methods of employment, but he began to study the prisoners. He saw that many of them were rushed through the police courts—sometimes more than a hundred in a single day—without much individual treatment or consideration. He realized that many of these men and women were abnormal, physically, mentally and morally. He concluded that what they needed was more individual treatment for their abnormalities. These people were sent there for two reasons: the protection of society and the benefit of themselves. Mr. Cooley endeavored to evolve ways to accomplish both by the single act of helping the individual to live in a normal manner among his fellow men outside of prison walls, but under the control of the officers of the institution.

In 1892 an act was passed permitting the Director of Charities and Correction, with the approval of the Mayor, to parole inmates of the House of Correction. Later this act was made to apply to all workhouses, but was among the repealed sections when the Municipal Code was enacted in 1902. Just at this time Mr. Cooley had found the value of this act as a means to the reformation of many a poor fellow who had been sentenced to the House of Correction. The granting of paroles was continued until the fall of 1903, when an attorney for a paroled man demanded the final discharge of his client on the grounds that the parole law was repealed. To the surprise of the friends of the law the allegation was found to be true. No more paroles were granted until the next session of the General Assembly in 1904, when a general parole law applicable to all workhouses was again enacted.

There is nothing unusual about the Ohio parole law. It simply gives the governing board of a workhouse power to parole an inmate upon such terms and conditions as they may impose, to appoint probation officers to assist the paroled inmates, and power to return to the workhouse for violation of the terms of parole. The Cleveland House of Correction now has four parole officers employed. Their duties are more than that of supervision; they mingle with the prisoners in the institution and in that way find out their weaknesses, as well as their ambitions.

During Mr. Cooley's connection with the management of the

House of Correction over 4,000 men and women have been paroled. Only fourteen per cent. of these have been returned for violation of the terms of parole. Under the old system more were returned for subsequent offenses. Special attention is given to first offenders, but other cases are often given favorable consideration, especially if there is a family depending upon the prisoner's earnings.

One of the helpful agencies established by Mr. Cooley is the night school. This is in charge of the parole officers, who select teachers from the inmates. In this school will be found pupils in the elementary branches, as well as higher mathematics. No institution guards are present at these sessions and the best of order is maintained. This school affords an excellent opportunity for the parole officers to get acquainted with those prisoners who are anxious to strengthen themselves for life's struggle.

On the first day of January, 1906, with the approval of Mr. Cooley and Mr. Crane, chief parole officer, eight men, who had previously been paroled and were successfully employed, formed an association to found a Brotherhood Home for paroled men. They occupied a building which was furnished rent free. Interested persons loaned them \$1,000 to equip the building with proper furniture, including a piano. The Home will accommodate about forty-five. One parole officer devotes his whole time to this Home and its residents. It is conducted on a plan of mutual co-operation. The paroled prisoner who is homeless and penniless is welcome to its hospitality, provided he agrees to pay four dollars per week for his board and lodging. He has employment but can get no credit because of his past history. This Home is a temporary haven. As soon as he becomes financially independent he is urged to make room for another, but his interest in the place continues. He seeks places of employment for those who are now situated as he once was. He has become a partner in the plan of mutual helpfulness for the unfortunate. There have been some who have failed to keep their contracts, but the percentage is so small that the most pessimistic can hardly find fault. Over four hundred men have profited by this Home. In seventeen months these men, regarded by many as "worth-

less," have paid the loan made to equip the building. The present value of the equipment of this Home is now nearly two thousand dollars. The present success of the men who have been in this Brotherhood Home is the means of inspiring hope in the breast of many a prisoner who considers himself "down and out" when he finds himself behind the bars of the workhouse.

A gradual abandonment of the present site of the House of Correction is taking place. Two years ago Director Cooley interested the city council in his "latest fad," as some called it. After some hesitation and much discussion they finally authorized the purchase of about 2,500 acres ten miles from the Public Square. On this farm will be located the City Infirmary, the Tuberculosis Sanatorium and the House of Correction. The latter institution will be over one mile from any other on this immense farm. About one thousand acres will be set apart for the employment of prisoners. This institution will be in three separate divisions: the trustees, the semi-trustees and regular prison. Some of the buildings for trustees are now in use, and for nearly two years from fifty to one hundred prisoners have been working on this Correction Farm with no guards except foremen. So far the plan has been a success. There have been very few escapes, even though the buildings have no bars and there are no night guards on duty. In the course of a few years the entire House of Correction will be removed from the city to this rolling tract of productive land. In the prison proper some form of employment will be provided for those who cannot be given the liberty of the farm.

During last year 1,508 persons were sentenced to the Cleveland House of Correction on account of intoxication—nearly one-half of the total number of commitments. If to this number should be added those who were sentenced on some other technical charge although drunk, the workhouse becomes an institution for the treatment of inebriates. To the Cleveland House of Correction two men have been sentenced ninety-one times, and four women from eighty-seven to eighty-nine times, usually for drunkenness. The parole has little help for them.

At the outset it was stated that the short sentence made the

success of reformatory measures exceedingly difficult and this is especially true of commitment for drunkenness, in which the sentence ranges from ten to thirty days. At Cleveland last year, out of 3,484 commitments, 624 were for costs and fines of from \$1 to \$220. This was virtually imprisonment for debt. They suffered this punishment because of poverty. There were 1,033 commitments for ten days or less and fines of less than \$15 and costs. In this group we have a large number of short term inmates, many of them "plain drunks." How can these cases—many of whom are old offenders—be reached by reformatory methods? It is believed that the use of the cumulative sentence law in connection with the Correction Farm will give an opportunity to rebuild the physical man, so that he will be able to withstand temptation when released. At present men are remaining at the Farm after the expiration of their sentences, knowing full well their weakness when in the city. The cumulative sentence law of Ohio permits fourth-termers to be sentenced to the workhouse for from one to three years, with provision for parole. An effort will be made to secure an indeterminate sentence law for such cases, so that they can be kept under more reasonable restraint than formerly. Inasmuch as less than one-sixth of the men committed to this institution are married, long sentences can be imposed upon the majority without injury to others depending upon them for support.

There is also need for an effective probation law with adequate helpful supervision.

In the case of married men, the use of the parole law has been very beneficial. In all such cases each paroled man must report each week the amount received and the disposition of his wages, and this report must be signed by his wife. In some cases the wages have been paid to the parole officer and he in turn gives the money to the wife. Although the husband has not been cured of drunkenness, he is willing to accept these terms of freedom and the family has been kept from dependence. This is effective preventive charity.

These plans are still in their infancy and better results are expected as the plans are developed through experience. The

"Cleveland Plan" seems to be founded upon sound principles and the student of social helpfulness will watch with keen interest the final outcome.

Attached hereto are the Ohio laws on cumulative sentence and parole:

#### CUMULATIVE SENTENCE LAW.

(Enacted April 12, 1889.)

Section 7349-1. That the punishment of persons convicted of misdemeanors and sentenced to any workhouse in the state of Ohio, shall be cumulative, and it is provided that where any person is convicted of an offense under the law of the state or an ordinance of a municipal corporation, and the tribunal before which the conviction is had is authorized by law to commit the offender to a workhouse, and a previous conviction for any such offense, whether committed heretofore or hereafter, and whether committed in this state or elsewhere within the limits of the United States of America, shall be proved against such person, the sentence for the last offense shall not be for less than double the penalty imposed for such previous offense, and where two previous convictions for such offenses are proven against the offender, the sentence shall not be less than for double the penalty imposed for the last of such previous offenses: Provided, That nothing in this section shall be construed as authorizing any court or magistrate to impose a greater than the maximum penalty now provided by law for such offenses, except as hereinafter provided. Every person who, after having been three times convicted and sentenced for offenses under the law of the state or any ordinance of a municipal corporation, whether committed heretofore or hereafter, and whether committed in this state or elsewhere within the limits of the United States of America, shall be convicted of an offense under the law of the state or an ordinance of a municipal corporation, hereafter committed, and the tribunal before which such conviction is had is authorized by law to commit the offender to the workhouse; every such person so convicted shall be deemed and taken to be an habitual offender and may be imprisoned in a workhouse for a period not greater than three years nor less than one year, unless pardoned by the governor; and in all cases the court may further order that such person shall stand committed to such workhouse until the costs of prosecution are paid, or he be discharged as hereinbefore provided. And the fact of such repeated misdemeanors shall be charged in the information or complaint made against such offender, and, if proved, shall be stated in the commitment to the workhouse: Provided, That nothing in this section shall be construed as



conferring power upon any court, magistrate or mayor to sentence any offender to said workhouse from any county or municipality outside the municipality where such workhouse is situated, except upon such terms and under such conditions as are now or may hereafter be provided by law: And provided, further, That if any person convicted under the provisions of this section shall show to the satisfaction of the court before which such conviction was had that a pardon was granted for either of such offenses on the ground of innocence, such conviction and sentence shall not be considered as such under this act.

Sec. 7349-2. Persons so convicted and sentenced for a fourth or later offense may, at the discretion of the directors or managers of the workhouse in which they shall be imprisoned, be suffered to go and remain outside of the walls of such place of imprisonment, on parole, under such rules and regulations, and on such conditions, as such directors or managers shall prescribe; but such prisoners shall, while so paroled, be legally in the custody and under the control of such directors or managers, who may, at their sole discretion, and for any reason satisfactory to them, and on their order, duly certified by their secretary or chief clerk, arrest paroled prisoners wherever found, and bring him or her back to said place of imprisonment to serve out the full term for which such prisoner shall have been sentenced.

Sec. 7349-3. Persons convicted or sentenced under this act shall be imprisoned in a workhouse where, as far as may be, they shall be employed in useful labor, and earn their living, and it shall be the duty of the city or county authorities, in counties not having workhouses, to contract with the authorities of any city or county workhouse in the state for the care of such prisoners, on such reasonable terms as may be agreed upon, and prisoners so convicted and sentenced shall be sent to and imprisoned in the workhouse or workhouses so provided.

#### PAROLE LAW FOR WORKHOUSES.

(Enacted April 26, 1904.)

Section 2102. Any board vested by statute with authority to manage any workhouse, now or hereafter established, shall have power to discharge, for good and sufficient cause, a person committed to such workhouse; but a record of all such discharges shall be kept and reported to the council, in the annual report of the board, with a brief statement of the reasons therefor. Said board shall also have power to establish rules and regulations under which, and to specify the conditions on which, any prisoner may be allowed to go upon parole outside of the buildings and enclosures, but to remain, while on parole, in the legal custody and under the control of said board, and sub-

ject at any time to be taken back within the enclosure of said institution; and full power to enforce such rules, regulations and conditions, and to retake and reimprison any convict so upon parole, is hereby conferred upon said board, whose written order, certified by its secretary, shall be sufficient warrant for all officers named therein to authorize such officers to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process; and said board may employ or authorize any person or persons to see that the conditions of said parole are not violated, and in case of such violation to return to said workhouse any such prisoner so violating said parole, and the time between the violation of the conditions of such parole, or conditional release (by whatever name), as entered by order of such board on the records of the workhouse and the reimprisonment or return of such prisoner, shall not be counted as any part or portion of time served under any sentence; and any prisoner at large upon such parole who fails to return to the actual custody of said workhouse as may be specified as one of the conditions of his parole, or commits a fresh crime and is convicted thereof, shall be, on the order of said board, treated as an escaped prisoner and subject to the penalties named in section two thousand one hundred and three (2103) of the Revised Statutes: Provided, That no such parole shall be granted by any such board, without previous notice thereof to the trial judge.

## THE MILWAUKEE COUNTY HOUSE OF CORRECTION.

C. HERMAN DORNER, MILWAUKEE, WIS.

The House of Correction, erected in the year 1855, has always been used as the retaining place for vagrants, drunks and disorderlies, for people held for abandonment, for offenses like petty larceny, etc., and at various times for graver offenses punishable by periods of imprisonment of from one to twelve years. At one time the limit was five years, at other times seven to twelve years, at present three years. For a number of years the prisoners have been occupied with the manufacture of chairs, this occupation having been legalized by the legislature. A regular chair factory has been established and maintained. It requires a certain amount of skilled labor and experienced foremen, the latter furnished either by hired assistants or by the longer term prisoners. In the five years previous to 1905 there was a loss of more than \$100,000 in the factory working account. This alarming

state of affairs brought about an investigation, resulting in startling discoveries of negligence and dishonesty. The administration was changed and since then matters have greatly improved.

The investigation induced many of the supervisors to doubt the advisability and practicability of the entire management of the House of Correction. The general public became interested; public meetings were held, numerous expressions were heard, and all persons interesting themselves in the subject at that time declared the chair factory to be impractical and a quarry farm the proper substitute.

In spite of the initial apparent unanimity, the County Board hesitated and delayed for a period of over five years before finally selecting a special quarry farm for the relocation. This was caused partly by the lobbying of the proprietors and agents of the various localities offered, partly by the inability of the County Board to expedite its business.

In all the years of the Milwaukee County Board's existence, no subject has been so extensively and thoroughly investigated and discussed as the affairs of the House of Correction. Not less than four special committees have made extensive reports; public officials have investigated and reported, members of the State Board of control have at various times consulted with the joint committees of the County Board and special laws affecting the affairs of the House of Correction have been passed by the legislature.

In spite of all this work, or, perhaps because of it, the future of the House of Correction is not yet definitely settled. If it is true, what the executive committee of the Voters' League of Milwaukee in their last publication asserted, namely, that the problem of the re-organization and possible relocation of the House of Correction has been badly mishandled by the present board and its immediate predecessor, the cause must be that "too many cooks have spoiled the broth." Then it must be hoped that the next board will expedite this important business.

The dissatisfaction with the state of affairs at the House of Correction has been caused not only by the dishonest management of former years, but by the desire to supply better occupation for the inmates. As one of those who have spent much time

in this investigation, I have come to the conclusion that it is wrong to send all prisoners not occupied with household duties, into a chair factory. The making of chairs is devoid of any corrective influence; it is also inflicting hardships upon people not connected with the House of Correction. It is wrong, because it constitutes an unfair competition with independent business concerns. Whoever has studied the latest report of the Commissioner of Labor, Charles P. Neil, must have come to this conclusion. Prison-made chairs must be sold cheap; customers are told that they can buy such chairs at a discount of from twenty to forty per cent. of prices published in catalogues of independent concerns. In dull times, when labor is plenty and the demand low, the prison produces as before; its goods accumulate and must be gotten rid of. In good times, when labor is scarce and the demand for goods brisk, the independent manufacturer must pay high wages and cannot afford to compete with the prison which pays no wages, no taxes and no rent.

To say that the comparatively small amount of prison-made goods (in 1903, about \$24,000,000) lessens the evil, is true in a limited sense only, since the price of these goods affects the price of other goods regardless of their quantity. A New Hampshire manufacturer of shoes asserts that 1,000 pairs of shoes offered in the market, will affect the price of 1,000,000 pairs of other shoes for a year or more.

It is not competition of which independent manufacturers complain, but the unfairness of competition, not dissimilar to the unfair and even criminal methods which certain trusts employ for the purpose of destroying the business of independent concerns. If the amount of prison-made goods were not limited, if they could be produced in any desired quantity, they would monopolize the output and destroy the business of all competitors as the soulless trusts have been doing.

Other drawbacks connected with the existence of a sole prison industry are that the prisoners cannot be made diligent; they are rather apt to become lazy and continue in their laziness and that as machine hands they do not learn anything which might be of benefit to them when released.

The Milwaukee County Board, impressed by these and other

considerations, has decided to remove the House of Correction to a farm containing a good quarry. It has bought an excellent piece of farm land of about 290 acres, at a distance of about nine miles from the Court House. This farm contains remarkably good roadstone in almost inexhaustible quantities.

It is the intention of the Board to send to the quarry only enough prisoners to keep the crushers going. With a moderate outlay for machinery, it is possible to produce daily 200 to 250 cubic yards of crushed stone. This amount and more can be advantageously used for the benefit of the county and city of Milwaukee.

If we furnish broken stone, we certainly also enter into competition with free labor, but this competition is not unfair. Limited time prevents exhaustive illustration. I will simply call it home industry and compare it with the installation of a cooper-shop in a brewery. It lessens the amount of outside produce, but it does not lessen the price.

Time does not allow me to enter into a discussion of other benefits connected with a relocation of the House of Correction on a large farm. After the County Board had, by majority vote, resolved to buy the farm previously mentioned, one Thomas Neacy took out a temporary injunction against the purchase, which, up to date, has not been further considered by the court. It is contended that the County Board has no legal power to relocate, that the method of buying by arbitration is illegal, that the price is too high and that the purchase was made through a conspiracy. The delay caused by this injunction, though temporary only, results in pecuniary and other losses to the county.

But it is not possible that the great benefits to be gained by moving from the present quarters, which are narrow and unsanitary, to a large farm containing a good quarry, can be much longer overlooked. A quarry containing an unlimited amount of good roadstone is a great source of income for the county. By providing work for vagrants, it will reduce the number to be supported; it assists in the maintenance of good roads; it reduces, to a certain extent, the sale of prison-made goods; it makes prisoners more healthy; it allows a more thorough segregation of

prisoners; it stimulates prisoners to advance to the class of trusties and it gives some of them a chance to learn and like work which can be of benefit to them when released.

Mr. Murphy returned to the chair.

J. E. McClure, president of the Board of Commissioners of the Southern Illinois Penitentiary, Menard, Ills., presented the following resolution:

Whereas, This National Prison Congress is honored by the presence of three representative citizens of, and accredited delegates from, the Cuban Government, who are here to investigate the prison and corrective measures that are discussed by this Conference:

Therefore, be it resolved, That we extend to the distinguished gentlemen from the Island of Cuba a most cordial welcome, and that they be especially invited to address this convention.

The motion being carried, the president appointed Mr. Wm. C. Graves and Dr. Charles R. Henderson to escort the Cuban delegates to the platform. General Carlos Garcia Velez was then introduced.

General Carlos Garcia Velez, Cuba—This is the first time that a Cuban official has had an opportunity to address an American audience. I will ask you first to accept our sincere thanks for having invited us to this Congress, and then allow me to express to you once more the gratitude of the Cuban people for what the American nation is doing for us. How we appreciate the earnest interest that the United States has taken in our welfare can be seen all over the island. But it is not gratitude only that must be shown. We must show that we have benefited by the lessons that we have gathered, first under direction of General Brooks and General Wood, and lately from the distinguished citizen from Nebraska, Mr. Magoon. I think I can best show how we have profited by your lessons in a brief display of the prison system in Cuba as it is today as a result of our study and adaptation of various laws from the different states of the Union. We had to take into consideration the social conditions of our country. It is very difficult for a foreigner to appreciate the disadvantages

under which we labor. We have had four hundred years of Spanish dominion and that tells more than I could say in these brief words to you. Four hundred years of Spanish domination has kept us back, but we are anxious to study and we are going ahead.

The race problem in Cuba cannot be called a problem. We are not very particular about a distinction between the negro and the white and we do not discriminate in a general way—only individually and socially. According to the constitution, we are all the same and we have no prejudices in that line. Our prison system, therefore, reflects exactly the same condition. Our prisoners are mixed, black and white, Octoroons and Mulattos. So long as they are criminals, they are on the same basis, classified by offenses and terms, and we are satisfied with the measure.

The War of Independence, the last war, from 1895 to 1898, caused a great devastation all over the country. Naturally the destruction of property and so many men out of employment brought a little increase in our criminality, but this increase was not brought about by the soldiers that were disbanded and returned to their homes penniless. They went back to their homes, some of them, without guns. The American government was compelled to give to each soldier \$75.00 in order that he might have at least that amount to commence life anew, and it is very encouraging to see that these men went back and settled in their old lands without any houses and built them anew and began life again. As I said before, criminality did not increase in proportion to the number of soldiers that were out of employment. Our prison system suffers on account of lack of buildings. We are a rich little country, but we have to take great care with our treasury. We are slowly but truly going ahead and our expenditures have to be in some way measured in order that we may "make both ends meet," as you say in English. However, we have introduced in our old buildings (some of them three and four hundred years old) such reforms as are compatible with the economical conditions of the island, and at the same time with the climate and new ideas that have been adopted.

Our prisoners are naturally allowed religious freedom. We

do not interfere in any way with their religious ideas, but the State does not pay any chaplain or priest for his services. We formerly had Catholic priests in our prisons, but since the Spaniards were made to leave the island, the priests were suppressed by order of the American government. This law was met with approval by the Cuban people, I must say.

We have no jury, as you know. We have the old judiciary system of Spain. Our judicial system is very learned and has had a great deal of experience. The law is very striking, especially the law of criminal procedure, and they observe it to the letter. They very seldom use their own judgment in classifying cases, as their object is to interpret the law as the law is and nothing else. We have introduced your police courts. Our judge here (Felipe Diaz Alum) is the present judge of the First District of Havana. He handles about 15,000 cases a year. He is a very experienced man. Naturally he is restricted by our laws and he cannot do all he would do. Of course all our cases are mixed. We have no juvenile courts as you have and he takes all cases. The judge has authority to commit a person to a jail up to six months, and he very seldom exercises this limit, except in serious offenses. The most common offenses that come within his scope are what we may say passion crimes. I mean crimes against the person, not against property. That is the striking thing about criminality, that the majority of the crimes are against the person. I hear from Dr. Wines that this is the case with your Southern States, too.

I must say to you that in probation work with children we have advanced a little more than many of your states. We have a special department in Cuba for that. It is under the charitable institutions. When a child under sixteen commits a crime, he is handed over to these institutions. Neither the police nor the sheriff have anything to do with these children. They are entirely under the management of the Department of Charities and this department has the official sanction of the Volunteer Section. The Volunteer Section is in the majority and I must say their work is very satisfactory. Our charity boards in every city and every little town have proven to be of great value to the govern-



ment and the only inconvenience that we have found in the management of these boards is that occasionally we find they have not a quorum in their meetings and there is no way of making them meet, until the next year they are suppressed or their names are taken out of the list; but that is not common. They are appointed for a number of years, so we are handicapped in that line in some cases.

I cordially invite all the members of this Congress to pay us a visit in Cuba. We need your advice. We need your services. We have had the intelligent direction of officials from nearly all the branches of government in science in the United States excepting prison officials. I think it would not be too much to ask of you that the next place of meeting be in Havana.

Meeting adjourned.

## **TUESDAY EVENING SESSION.**

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The session was called to order at eight o'clock by the president. After prayer by Major-General E. Fielding, Com. Volunteers of America, Mrs. Maud Ballington Booth, as chairman of the Committee on Discharged Prisoners, took charge of the program.

Mrs. Booth—It falls to my lot as chairman of the Committee on Discharged Prisoners to introduce one who has so often and so ably spoken at previous conventions, the Right Reverend Samuel Fallows, who will present the report of the committee.

### **REPORT OF COMMITTEE ON DISCHARGED PRISONERS.**

**RT. REV. SAMUEL FALLOWS, D.D., CHICAGO, ILL.**

A decided impetus has been given to the American prisoners' aid movement within the past few years. This is due both to the organization of a large number of new societies, and to the quickening activities of the older societies in assisting to carry out the provisions of the parole law and of adult probation. Previous to ten years ago, practically all of the prisoners' aid societies of the United States were to be found east of the Allegheny Mountains. During the decade since, in addition to some local and personal efforts previously undertaken in the west, there have sprung up many regularly organized and incorporated institutions.

Last year the Committee on Discharged Prisoners reported some twenty-eight societies throughout the Union. No less than nine of these have been established since the dawn of the new century, and are carrying on their work in some sixteen states of the Mississippi Valley and farther west. Your committee then estimated that over 5,000 men had been helped during the previous

year by all societies of the States and Canada. This year one society (the New York Prison Association) reports more than half that number of men aided during 1906, while another organization (the Central Howard Association) has registered nearly as many men during the first six months of 1907 as during the entire previous year. This does not indicate an increase of crime, or of discharged prisoners, but better co-operation with the prisons and increased efficiency in the work for which the societies are organized. This improvement foreshadows the time when each released prisoner will be placed directly under the supervision of some one of these agencies, as is now done in many parts of Europe. Already the movement has reached such proportions that these voluntary organizations represent, more than ever, an essential part of the National Prison Association.

As Dr. F. H. Wines has often suggested, the workers in this direction, together with numerous individual criminologists, are a vital factor in solving the problem of prison reform. If the institutions represent the framework of the problem, in and through which vast improvement has been recorded, then the heart of the organism may be found in this individual effort in behalf of individual delinquents. Many of the prisoners' aid societies have had an important part in the amelioration of prison conditions. They have so far awakened public sentiment as to make many of the old abuses in the inhuman treatment of prisoners intolerable. They have persisted in calling attention to disease-breeding and crime-breeding jails until new ones have been built. They are still calling attention to the needs in this direction and in securing improved legislation. They have been and are foremost in securing parole and adult probation laws. And what is quite as essential and important, they are prime agencies in educating the public to an appreciation of the value of these laws and in facilitating their operation. In all of these ways they have admirably supplemented the best efforts of the State and of prison officials in this great department of social progress.

While many of the prisoners' aid societies are primarily or largely given to the general cause of prison reform, yet the most

directly practical mission of all lies in winning men to manhood after their release from prison. Your committee endeavored to secure more complete and systematic statistics from the various societies as to their work during the past year. This effort has been only partially successful, since so few of the societies responded to the inquiries sent out. Questions were propounded not only as to the number of men aided, but also as to the kind of aid given; the amount of money expended; the per cent. of men having families; the proportion of men helped while under parole or probation; the number permanently retained in gainful occupations one year after being placed; whether the societies were supported in part by public appropriation, or wholly by private benevolence; whether prisoners' homes are maintained, or the men put directly into positions of self-support.

On this latter proposition there continues to be a wide difference of opinion, ranging all the way from the statement of one society that the prisoners' home is the only practical way to care for the ex-prisoner, and the other extreme which states "we have no sympathy with the idea of bringing these men into a home in our State, but find them places to work immediately after their discharge and kindly look after them for a time." Apparently successful work is accomplished in both ways, though comparatively few of the prisoners' aid societies support an institution for the retention of prisoners, and some that previously maintained them have adopted the method of more individual treatment.

Comparatively few of the prisoners' aid societies receive appropriations from cities or states; the great majority are maintained entirely by voluntary contributions. It may be fairly stated that the latter are more active in their work than the societies long maintained by public subsidy. But few of the societies could indicate to this committee the actual amount expended in relief as distinguished from the cost of administration and other expense. This is not so important as it might seem, however, since the modern view of giving systematic and scientific treatment recognizes that the cost of personal service is quite as important and necessary as the giving of direct relief.

A significant showing is made in the reports to this committee concerning the number of applicants who had families. The report of one society in this regard is a fair example of all. Out of 400 men helped by the organization during the year, only 125 had been married and only a few of the married men had a home or family. This showing is significant in view of the legislation that is proposed from time to time for preventing the reproduction of criminals. It would seem fair to say that any such legislation may well give less consideration to the inmates of prisons and more to the condition of delinquents and defectives outside of prisons.

Several of the societies were unable to give the percentage of men still remaining in gainful occupations one year after they had been placed. Some, however, with a small number of men, gave the percentage as high as ninety. The average, so far as reports were given, was about eighty-three, and one society which not only aids a large number of discharged prisoners, but also many who are under probation and parole, indicates ninety per cent. of successful men under probation; eighty per cent. of those under parole and an uncertain number of those who had come to the society after complete discharge.

As the specific objects of the various prisoners' aid societies of the country have been previously presented to this Congress, this committee did not undertake to secure another statement of them. Neither did it inquire as to whether the various societies were devoted exclusively to the aid of ex-prisoners or whether they also assisted other homeless men.

An interesting inquiry has been suggested as to what proportion of the men who applied for help to these societies came directly from prison and what per cent. were released at some remote period. This information could be obtained with comparative accuracy, and the experience of one of the larger associations may be given here. The organization with headquarters in Chicago has no hard and fast rule as to aiding those who come directly from prison rather than others who may first have sought to re-establish themselves. Nevertheless its records would indicate that the great majority of its applicants seek aid either pre-

vious to their discharge, by letter, or immediately upon their release.

The formal questions sent out by this committee, as previously stated, were answered by only a small proportion of the societies, but your committee believes that a basis is hereby furnished for persistent and systematic investigation on the part of future committees. Ample information has already been secured to indicate the growing importance of this branch of prison reform. Who can measure the benefits to society from having possibly not less than 10,000 men given a real chance, after their release from prison, in a single year? When we remember that otherwise these men would have to hide their past from all human knowledge and in many cases deny their identity in order to live, then we see the benefits derived from frank treatment with the employer through a mediator. Besides, at best, the bare job, which is not often denied in these prosperous times, is as a stone to the man who craves the bread of human sympathy. Few can realize the heart hunger of the man who has been too often and too long the victim of an institution—the inevitably crude and clumsy expression of a system. Only those who are seeking to restore in the individual the remnants of manhood well nigh buried by the institution, can know the need of vastly more than just a chance to work. Nevertheless, none know so well as the officers and agents of these organizations the vast amount of work entailed in securing for these 10,000 men this first essential for a start.

It means, in the first place, a thorough personal interview with each man with the view not only of testing the sincerity of his purpose, but also of determining his adaptation to a particular kind of work. It means the writing of thousands of letters of introduction, together with telephone and other communications, to adjust the right man to the right work. Moreover, it often involves a readjustment to one position after another until the applicant is permanently established in work that is satisfactory to all concerned. It also involves advice and counsel to those who have had little of the same, either in childhood training or in subsequent relationships. Line upon line and

precept upon precept must be given in the essentials of good citizenship, integrity and fundamental character.

It must be understood that the applicants to the offices of these associations constitute all sorts and conditions of men in every degree of wavering purpose and uncertain prospects. There are all degrees of training, and lack of training, from the illiterate to the college graduate; men of all ages—from seventeen to seventy; and men having paid the penalty for all sorts of offenses, from those who have ignorantly overstepped the law to those who have more deliberately “laughed at locksmiths.” Thus it will be seen that from day to day, in the offices of these associations, is to be found an extraordinary social laboratory. The agents of these societies have an opportunity to study these men in all stages of the downward and the upward course. Yet in it all, it is safe to say, each would emphasize not the difference in age or training or offense. All are impressed with the one great fact that these are men; amenable to all the best influences of human justice, sympathy and kindness. None recognize better than these men the value of a helping hand and the real sincerity that is always apparent in direct commonsense assistance.

The experience of all of these workers has been that from 70 to 85 per cent. of the men who have been helped have responded to their efforts and become at least good citizens. Because of these gratifying results as shown after careful supervision and definite tabulation, it is felt that these voluntary agencies for the proper care of worthy ex-prisoners are fully justified in claiming to be an essential part of the National Prison Association in its work for the cure of crime and its prevention.

As addenda to the above report the following special statement of the work of the Salvation Army is given space. This report of that organization is the result of a recently-organized department of its work in the Western States. Its work embraces the organization called the “Brighter Day League” for the benefit of men while in prison, and the following statistics

are the figures of one year's work of the Salvation Army, "West of Lake Michigan and the Mississippi":

Prisoners interviewed and prayed with .....	23,702
Discharged prisoners given employment .....	755
Prisoners met on discharge .....	671
Meetings held in prisons .....	2,016
Number prisoners present at meetings .....	94,978
Prisoners professed conversion.....	1,072
Army publications given prisoners .....	67,900
Articles of clothing given prisoners .....	660
Meals given discharged prisoners .....	399
Fares paid .....	101
Expended on prison work .....	\$3,265 45
Number hours spent visiting prisoners .....	4,403
Number letters sent to prisoners .....	5,464

This special report further states the following conclusions:

"Figures give but a very unsatisfactory idea of the far-reaching results attained by the Army's prison work. Time can be measured and dollars can be counted, but who can correctly tabulate the beneficent results to society of the thief turned into an honest man, a wife beater transformed into a wife lover and family supporter, of a shirker made into a worker, of a young life on the first incline of the chute of a criminal life started on a righteous career, of a fountain of villainy, violence, fraud and deception transformed into a fountain as pure and free from moral contamination as the babbling mountain brook? Such is the work accomplished by the Salvation Army, who rely not so much upon the methods employed to work these miracles as upon the transforming power of the Almighty."

Although the foregoing report indicates both a largely increased number of prisoners' aid societies and greater efficiency on the part of each, yet the following letter from Judge Wilkin of the New York Court of Special Sessions would indicate that there is vastly more work to be done in this direction:

Brooklyn, New York, Sept. 5, 1907.

Right Reverend Samuel Fallows, Chairman Committee on Discharged Prisoners, National Prison Association:

Right Reverend and Dear Sir—As Chairman of the Committee on Discharged Prisoners, I hope that you will use every endeavor of your Committee to foster the organization of local associations with the



object of directing and caring for prisoners who are discharged, both male and female.

In connection with the young men who are sent to the New York City Reformatory for Misdemeanants in the great municipality, I find after all, aside from the little assistance that we can receive from the Society of St. Vincent de Paul and the New York Prison Association, which to my mind are entirely inadequate, a man who is discharged from even this first-offender institution, comes out with very little chance of recovery.

I have been on the Board of Parole for some few years and during that time we have dealt with some two or three hundred cases, and it seems to me that the man who most needs the friendship, advice and up-lift of a disinterested counselor is the one who by his acts has disgusted his parents, dishonored his friends and practically comes out of the institution with nothing before him but the streets and crime.

I might write you at length and cite many instances in our short experience where a society to aid discharged prisoners, simply by investigating and tiding over for a short time, could work great benefits for the unfortunate who has violated our laws. But your experience and that of those of your excellent Committee need not my examples to prove the importance of the effort.

Wishing your convention every success, congratulating the people that we have an organization that is interesting itself so efficiently as the present association is in this great question and the unfortunates who come before our criminal courts, I again urge upon your Committee the advisability of furthering the organization of volunteer discharged prisoners' associations. Expressing my personal regards, I have the honor to remain,

With great respect,

ROBERT J. WILKIN, Justice.

## THE PRISONER IS A MAN.

MRS. MAUD BALLINGTON BOOTH, NEW YORK, N. Y.

In rising to speak this evening upon the theme which is so near to all our hearts, I have a feeling of strangeness. I usually have a great audience of boys before me; tonight I find myself looking down into the faces of those who are generally behind me, backing up my words, encouraging me in my work. As I speak, I wish you would look behind and beyond me and call up the faces of those whom we are seeking to serve and to help, for I feel that I come here tonight not to state my own

message, my own theory, but as a representative of the boys. I would speak to you the thoughts that they have over and over again written and spoken to me; I would take your thought and mine down into the many places through this broad country of ours where these men, once clothed in a great shadow within the walls under your authority, are today in happy homes, living up to principles that they imbibed in prison and sending back to all who stretch out a helping hand to the prisoner, a message of good cheer because of the success that has come to them.

We have listened with the deepest interest to the papers read in this Congress. We have heard of schemes for the future. We have heard of errors of the prison, of changes proposed, of what our prisons should be. We have heard many things that are exceedingly interesting and encouraging; but there is one word that I would like to speak, and perhaps no one can speak it with more understanding than I, and that is a word of heart-felt congratulation to our wardens and chaplains and doctors. It is not through the theorist nor the educator nor the writer; it is not even through the one who works on the legislative side of the question, that the real changes are coming. It is through the hard, determined, patient toil behind the scenes. For twelve years I have been traveling from prison to prison, from New York to California. For twelve years I have watched that which the public cannot see, the devoted, earnest, practical efforts of our prison men, often unrecognized. I, who know something of their difficulties and can appreciate the hills of obstacles that they have climbed and the difficulties that they have beaten down, feel proud that I can stand beside them and in some measure help them. I wish them every success in the future and I congratulate them upon that which has been accomplished in the past.

The subject for discussion this evening is the discharged prisoner. We must not forget that the discharged prisoner of tomorrow is the one who today is within the walls, and if we are to view with any kind of hopefulness, if we are to look forward to any real, lasting, practical results in the amelioration

of the condition of the man when he goes out into the world, it must begin when he is within the walls. You cannot have a butterfly if you blight or crush the chrysalis. And that which is true in nature is true in this field. The man who goes within prison walls has in many instances a very sad, dark, miserable past. His ambitions have been of a low order. He has lived upon a low level. Mentally and physically and morally he has been stunted. When he comes within the prison walls, what are we to say to him? Is it to be written over the doors of our prisons that those who enter here are to leave hope behind? No, indeed! When men are shut up behind prison walls, they are made to think, stopped in their heedless career, cut off from the baneful habits of wickedness. They have come into a new attitude and that must be the time for preparation for the future, so that when they go out into the world again they may have fresh ambitions, better, higher hopes that will carry them up, so that they will forget all about that from which they have come, even the little, narrow cell they have left behind them.

We heard here in a previous session an able address from one of the judges upon the bench. I think every one was thrilled by the way in which he presented his theme, and I am sure my heart went out to him in the greatest and fullest sense when he spoke of giving the drunkard a chance—paroling him and holding over him the law as a strength in his weakness, to fight that evil foe which is responsible more than anything else for the filling of our prison cells. But on one point I differ. He said he did not believe much in prison reformation; that it was something like the prison clothes. When a man gets out of prison he puts off the prison clothes, and his first thought is also to lay aside his professions of reform, which had simply been made to serve for the time he was in prison. Those of us who are in close touch with the men during their imprisonment, who watch them and talk with them and inspire them and map out and plan the future with them—we, I am glad to say, lose the lack of faith which the world often has; we exchange pessimism for optimism; and, looking out into the future, we proclaim that there is hope for all if we can but bring to them

that touch of inspiration that will make them rise up and work out their own salvation. I believe, and I think many of the chaplains and wardens would say, that a large percentage of the men within the walls of state prisons do genuinely reform.

It is said we should put men on probation. I am in favor of suspended sentence and probation, but I do not like to hear that we must put them on probation solely because if we put them in prison we sign their death warrant. If it is true that our prisons are places where persons cannot reform, then you who are serving as wardens are throwing your lives away; you who are chaplains had better go out and find some church. No! I believe it shall be said that our prisons are places where men can learn their lessons. Hundreds of men have said to me, in all sincerity: "Little Mother, I thank God for this term in prison." Reform must begin in prison for those who are placed there, and it is the work not only of the chaplain in the pulpit, but of the warden and of the doctor, to transform the man who comes in poor, hopeless, weak, without self-control or the power to resist evil, into a man trained and inspired to go forth into the world to do valiantly.

The world says there is no good in the ex-convict; it draws off from him; it has no sympathy. That has been said in the past, but it is for us to see that it shall not be said in the future. It is our business to see that the world learns that the fatherhood of God and the brotherhood of man, even when a man has erred and gone astray, are not mere sentiment but a reality. For twelve years I have been constantly in this work within prison walls, and from the prison walls I have been sent out to the great American public, meeting vast audiences in cities, towns and rural districts, amid all classes of society, and I can say this for our American people: they want only to be taught, and in a moment they will rise up and cast their prejudices to the winds. I have never yet spoken to an audience, members of which did not come to me afterwards and say, "We will gladly help."

The problem is misunderstood. Wrong conceptions have been borne. Some of the miserable, old notions have clung.

People have not studied this subject, or they have read the press and then considered that our prison population were dangerous desperadoes, and have drawn off from them; but all that the world needs today is a clearer understanding of its duty toward the prisoner. All it needs is the assurance that there are within our prison walls men worth the saving; all it has to see is how the error of the past has driven men down and out into misery and a repetition of crime, and I believe that the great, careful American public will give them fair play. They shall have a chance, and their imprisonment shall not be as a brand upon their life.

I believe there are many things that are going to help wonderfully within the prison, putting new hope and encouragement into the prisoner's life. I, as I look back, can see changes that have lifted the burden and cleared the atmosphere and brought out stars in the darkest night. There was a time when the prisoner was degraded, when he was looked upon as one who should suffer every possible humiliation. Today the thought is not to humiliate him, not to grind him down, not to blight the chrysalis in its cell; but rather to bring to bear the influences that will change his future.

One great advance within our prison walls is the school system. I hope the time will come when every illiterate prisoner will be taught. If the school term is introduced, it will help us greatly with the problem of keeping the men occupied in prison. The prisoners even in the prisons where they are now occupied may at some time be plunged in idleness. The man who goes into prison unable to read has very poor mental equipment. Imagine him sitting in that cell and thinking. What has he to think about? Now, if you are going to cast the evil thought out, you cannot leave a vacuum. If you want to better that man you must cast out those evil thoughts by bringing in something better. Imagine the change that comes to a man who learns to read and to whom the great world of books is offered. When he comes out, how much better both mentally and morally is he to face life and make the most of it! As I have traveled from prison to prison, and as I have corresponded with the

prisoners, I have had the opportunity of seeing their wonderful interest in study and it has been a delight to me to read their letters—letters which I had almost to translate with a key, so remarkable was their spelling. I remember one man who always signed his name differently. He always meant to sign it the same way, but it was jumbled and you could not tell what it was. As they have learned to write, they have written with the joy of a child: "Little Mother, you see the progress I have made. What do you think of my writing?" And as I have noted the change I have seen how it has brought new hope and new ambition to the man within the walls.

It is unnecessary for me to speak of the many improvements that have come. All these things tend toward the betterment of the men discharged from prison because they help to raise them to a higher standard while within the walls. But there is one thing which we must never forget and that is the realization that beneath it all and above it all we must lean upon the strong arm of the God, who has not lost his miraculous power. We cannot cleanse the leper; we cannot bring sight to the blind; we cannot bind the heart that is broken; we cannot bring to the heart that is hard as stone the tenderness of a new faith; but there is a God who can do it. We can help, however, and that which I have seen in my prison experience is this: this work rests upon the shoulders not alone of the one who is appointed the spiritual leader, but also of prison warden and prison physician, and if all work together, our prisons will indeed become schools not of sorrow and hopelessness and despair, but schools of a better instruction to those who are within the walls.

Something has been said in the chaplains' private meetings concerning the hopefulness of the men for the future and the trust of those who go out into the world untried and untested. It has been my experience in this work that the greatest power that we can wield with regard to these untrusted men is to put some confidence in them. They have been so mistrusted that they have come to lose all confidence in themselves, and it is a wonderful revelation when some one trusts them. Over and

over again wardens have told me something of their experience. I remember one told me that when he took charge of a certain prison he found a group of men who had been looked upon as so desperate they had been shut up in a cage and were exhibited to all comers as wild, dangerous prisoners. One of his first acts was to go into the cage and talk with these men. He said to them, "I am not going to keep you so any longer. I am going to trust you." And to me he said, "There has never been one act in the lives of those men that has made me regret it." I think no one here has not found that putting a man on his honor and appealing to his self-respect has been to good purpose.

Some have said to me, "Don't these men fool you? Is it not likely they join the League for what they will get out of it?" I have answered that I would rather be deceived, having done my best for a man, than to have it said that some man had been driven back to a life of crime because I held back my confidence from him. We must be ready to trust somewhat. Why should we put all suspicion upon these whom the law has dealt with? There are people in the world who are just as unworthy. In my life, over and over again, I have even found people professing Christianity from whose lips have fallen lies and whose lives have been false. Why should we talk of the prisoner as one from whom we should shrink? Who are we to look into our brother's heart and judge whether there be the sincere desire to do right or whether there be but the subterfuge? It is very wise to have our eyes open. I have thanked God that I have protection in that the boys have sworn to protect me. Many a time they have said, "Little Mother, we are not going to let you be fooled." We may have our disappointments, but let us look at the many who have proven worthy of all that has been done for them.

A great deal has been said concerning the indeterminate sentence and parole. All those who have studied this question must see that the adoption of this system throughout our country is inevitable. It is according to common sense that a man should be punished if he deserves punishment and should be given his liberty when he is fit to go forth into the world. While

I thoroughly endorse the parole law itself, many of us who are working for the discharged prisoner sometimes find it rather a problem. Personally speaking, I would rather have in my homes the men whose sentences have expired and who have come to me of their own free will. Then I should be sure they were not making our home a step to liberty. But, on the other hand, we are only too glad to stretch out a hand to any paroled man that may be given in our charge. I must tell you something I have discovered about our parole board in New York. It is no reflection on them. I found that when they met to talk over the cases that came up, if they found a man who had lost an arm or a leg or was a consumptive, or a man who had a terrible prison record, and every other kind of record, they would lay that case aside and say, "That will do for Mrs. Booth." They confessed to it. The man with intelligence and ability has gone out because people wanted him, but the given-up man, the poor wreck of a man, has been left to the Little Mother and Hope Hall.

I want to stand for the good of men. I am glad to be able to say to every parole board in the country: if there is a poor fellow that has not a friend on earth, I will vouch for him and we will try to do our level best to help him. Of course, on the other hand, we have had a great many splendid men paroled to us. I can say for our New York board, I have never written to them for a man whose wife and children were in poverty that they have not paroled him at the first chance and allowed me to reunite the man and his family.

Now has come to us in our State that which we have been looking forward to for years: the life prisoner is eligible to parole. Yesterday an old man came home to me who has been twenty-three years in prison; a bright, earnest, patient, faithful old creature whom we have known and loved for years. He steps out into liberty. If there were no Hope Hall, there would be no liberty for him. Next week I am to receive a man who has been within the walls forty-eight years, and at the same time I am to receive a man from another prison who has been twenty-six years in prison. I hope the time will come in every State



when a similar parole law will be enforced. I have talked with many wardens about it. I remember a talk I had with Mr. Garvin, of Connecticut, in which he told me that the majority, if not all, of his life men would be absolutely safe to be set at large tomorrow.

There is one matter I would like to speak of concerning our work in the West. I have been asked whether we did any work in the western states. There was a little mistake, I fancy a typographical error, on a card of the Central Howard Association. I am sure Mr. Lyons will be the first to wish me to make the correction. The card stated that the Central Howard Association was the only one that cared for discharged men or paroled prisoners in Chicago and the western states. As Warden McClaughry and Warden Murphy know, we have been doing this work for ten years and I hope it will go on for the future. I merely make this correction because I know the wardens from Iowa, Kansas and many of the other prisons to whom I have spoken about sending their men to us will want to know our work is still in operation and God is blessing us in it.

I do not want to weary you with statistics. I have not come for that purpose. I think that the best figures present very little to the mind, and I think very often they have proven to be unreliable. But we can say this: through two of our Hope Halls we have already passed over five thousand men who would otherwise have been homeless. So you see the work has already accomplished something. I can see what it has accomplished when I have the opportunity of seeing in their happy homes, with their wives and children and dear old mothers, some of those whom I knew in prison so hopeless and despairing. The Volunteer Prison League is too well known to make it necessary for me to enter into detail except to say we have already enrolled over fifty thousand men within prison walls, and I believe it has brought a message of hope and inspiration, for it was the dear sweet message of the love of God, of hope for the higher, better things that can come into the lives of men. We have to come back again and again to rest upon that and take new courage and new strength. It is not our work, but God's work, and where God works, lasting results will be seen.

You have heard the legend of the gardener who, walking up and down the highway, saw amid the weeds beside the road a poor, struggling brier. He dug it up and carried it away with him, and the brier cried out and said, "Oh, you have made a mistake. What can you want with me? I am only a wild brier." The gardener went on his way and by and by came to the gate of a beautiful garden and passed through. Under the shade trees, away from the sunny patch that was given to the flowers, he dug a deep hole and planted the brier. And again the brier cried out and said, "Oh, gardener, you have made a mistake. I will spoil your flower bed." But the gardener knew what he was doing. He took the knife and pruned it and then took a bud from the rose tree and imbedded it in the bush. Time passed and the dew and rain from heaven came, the sunlight and good soil did their work, and the brier by and by put forth its green leaves and then its buds, and then as the sun cast its rays over them they broke out into a glory of roses. The air was full of the fragrance, and once it had been only a wild brier.

What right have we to say that this miracle cannot be performed in the garden of God with those he cares for more than any gardener can care for any flowers? True, they need pruning. I do not say they have not been wild, but the promise in God's word can be fulfilled that the heart of stone can be taken out and a new heart can be given unto them and the world shall be made the better. We should never forget that. Wardens, chaplains, doctors, prison workers, remember you are not just working to keep men out of prison, to stem the tide that has been going back from prison to prison. Those who have been a curse can become a blessing. Would I could tell you of some of the lives I have watched with rejoicing. One face that comes up before me is that of a man in the East, a man who had gone into prison again and again until he became known as a hardened, old-time prisoner. I want to say most emphatically, we have hope for the old-timer.

There are many phases of this work that have proven of great inspiration, but perhaps none gives me more satisfaction than the reuniting of families. I remember a man I met within

the walls of Sing Sing—a bright, intelligent fellow. He asked permission to talk with me, and he told me the following story. He said, "I have heard absolutely nothing of my wife for three years. I heard indefinitely that she was going into consumption and had been sent far West. I can get no information from them, but, Little Mother, perhaps in your western trips you may come across her;" and with tears he added, "God knows I love her. If I cannot find her again I feel there is nothing worth living for." Some time afterward I was in one of the western cities when I came across a sister of this woman. She came to see me and I had a talk with her. She said this man was a good-for-nothing fellow; that the wife had intimated she never wanted to see him again, and that no power on earth could make her, the sister, give up the wife's address. Later I was in the city of Seattle. The reporters secured my picture and put some account of my work in the papers. The next morning a young woman with a sweet face came to my door and after I had led her into the room, she said: "My husband is somewhere in the East in prison. I do not know where and I cannot get in touch with him." She gave me the name of this young man in Sing Sing, and I told her I knew him well. I found she was in sympathy with him and was willing to try life together again if I was sure he wanted to do right. When I saw the man again I said to him, "Now you have something to live for. A woman like that is worth living for. You will not deserve the name of man if you do not do what is right." When the time came for him to leave the prison I paid his car fare to Seattle. He found work that week. From that hour he supported his wife and earned for himself a splendid position. One of the first things he did was to pay back the car fare I gave to him. And one or two years later he came to see me with a bright, earnest, happy face and told me how well everything was going. I asked the wife if her husband was sober. "Indeed, he is," she said. "He is everything my heart could desire."

The statistics we can show are these: Seventy-five per cent, we believe, are doing absolutely right; 20 per cent are doing fairly well, and perhaps 5 per cent go back into the old life

and into prison, and, thank God, I can go back into the prison and get after them again. I can talk to them when I find them back there and make them ashamed. You say, "Be fool enough to give them another chance?" I say, yes. I know many a man who has done right at the second chance. He had not quite enough of the lesson.

Does it not all pay? These are not a pack of wild beasts. Every one has a soul, as much as you and I, and one that is just as dear. Do you not think it is worth while? God loves them. What would you and I do without His love? Let us write it on the walls of our prisons; let us speak it through our words; let us give it through the touch of our hands; let us inculcate it in our discipline; let us stamp it upon our hearts and lives, that love will conquer where punishment cannot succeed. Let us not classify these men as hopeless and degenerate, but let us remember that in the breast of every human being there is something that may be appealed to.

What of the women? Do not think there is no hope for them. We have so few women in our State Prisons. Are we so much better or are the men so much kinder to us in their judgment? For years we have been paroling our women, and all with one exception have done well. They have proven worthy. I believe there is just as much hope for the women as for the men.

I have left unsaid the things I ought to have said, but my heart is in this theme and so is yours. All we have to do is to press forward with earnestness and energy. My heart has been cheered by the sympathy and encouragement you have given me, and I can say again most sincerely in the name of the boys within the walls and those out in the field, I thank you for your kindly acts and deeds and thoughts, and I pray God's guidance and blessing may rest upon you in the future.

Adjourned.

## WEDNESDAY MORNING SESSION.

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Upon invitation of the University of Chicago, both the Wednesday sessions were held in Mandel Hall. The morning meeting was called to order by the President at 9:30 o'clock, and after prayer was offered by Rev. McQueen Gray, Dr. Charles R. Henderson of the University welcomed the members of the Congress.

Dr. Henderson—It is exceedingly appropriate, Mr. President, that the Association should be here. Whatever good work is done in this world, whether it be in the university or the reform school or the prison, is done not by the hand of force but by the influence of educational methods. The ideals of the teacher of the university are your ideals. What we want for the children of the best families, I want and you want for the children that have been deprived, under heredity, of learning, morality and character. It is your mission to take these ideals into the most difficult positions of life. So we invite you here, whence these influences go out, and ask you to take into the darkest places of crime and vice the same inspirations which move us. Here in this place where prayer is wont to be made we offer a prayer that you may be strengthened in your desires and inspired in moments when your patience is taxed. Because our president, my chief, could not be here this morning, he has asked me to say these few words of welcome, which have come from the heart. We do welcome you warmly and sincerely, and hope that you will find comfort and delight in this association.

General Garcia—The National Prison Association is very highly honored with this visit that has been prepared for us. The inspiration which Prof. Henderson has desired for this Association on entering these buildings is sure to come to the heart of every one of us here present. It is not possible to enter the

grounds of the University of Chicago without feeling the influence of the magnanimity that covers this university. We are, as I said, very much indebted to you for this visit, and we all go home with a deep remembrance of what we have seen and what we have learned while here.

A. W. Butler—It seems to me exceedingly appropriate that today's sessions should be held in an institution of learning, for they are devoted to learned professions and their relation to the work for which the Association stands: this morning, the profession of medicine and this afternoon, the profession of law.

The Auditing Committee, composed of H. F. Coates, A. C. Dutcher, and Dr. W. D. Stewart, through its chairman, Mr. Coates, made the following report:

Your Auditing Committee have the honor to report as follows: We have carefully examined the books of the financial secretary, Joseph P. Byers, and have found the same to be correct, and have so attested by our signatures. We also find the financial report of Mr. F. H. Mills, treasurer, to be correct, and we have so attested by our signatures to his report.

Upon motion, the report of the Auditing Committee was accepted.

Dr. Henderson read the following letter received from Rev. Samuel J. Barrows, president of the International Prison Congress:

#### INTERNATIONAL PRISON COMMISSION.

Montpellier, France, Aug. 24, 1907.

My Dear Dr. Henderson—As chairman of the Committee of the National Prison Association, in regard to the meeting of the International Prison Congress in the United States, you will be interested to know about the action of the Commission at Lausanne in regard to the program.

Some eighty questions were submitted to the Commission from the French and German prison societies and from jurists and prison

directors. The Commission decided to limit the number of questions for discussion to sixteen, which is four to each section. But it also suggested two questions for research, which do not encumber the program.

I am glad to say that among the questions adopted were all those suggested by the National Prison Association, namely, questions relating to the indeterminate sentence, adult probation and children's courts. While the Commission was naturally influenced by the fact that the Congress is to be held in the United States, and that some regard should be had to American problems, it was recognized that the questions presented by our association were not local in character, but questions of international interest. In proof of this I may say that some nineteen different associations in France joined with us in asking for a discussion on children's courts, and the same question was proposed from Germany. It shows what a great interest has been developed on this subject all over Europe.

The question which we submitted in reference to the essential principles of a reformatory system is drawn so broad that it will give an opportunity for the advocate of various systems of reform, whether congregate or cellular, to present their view of reformatory methods and principles.

Another question which I personally framed and presented to the Commission and which proved to be of general interest is, how to correct the offender without imposing too heavy an economic burden upon the family. One answer that can be given is the extension of probation which permits the offender to work out fines without imprisonment, and a second answer the assignment to the family of a portion of the earnings of the prisoner. That implies a system under which the prisoner can earn the cost of his keep and something for himself, as, for instance, in the Maryland penitentiary. The most important of the other questions adopted are:

What is the role of the penalty of death in different countries?

What improvements need to be made in the parole system?

How can labor be effectively introduced in small prisons?

What results have been obtained from special asylums for criminal inebriates?

What steps should be taken for the suppression of vagabondage?

What measures should be taken to combat the idleness and the vagabondage of children in large cities?

What special measures should be taken for the protection of children born out of wedlock?

A question presented for investigation rather than for discussion in the general Congress is in furtherance of a resolution passed at

Budapest: What rules should be followed in the construction and equipment of modern penitentiary establishments?

Concerning this important question I shall have some material to contribute for the discussion by experts. As one of the Commissioners appointed by the State of New York to build the new prison to take the place of Sing Sing, I have been authorized to collect all possible information from Europe on prison construction. I have therefore on this trip visited thus far thirty-five prisons in England, Ireland, Sweden, Finland, Russia, Germany, Switzerland and France. I have had interviews with the leading prison architects of Europe, and have collected plans and photographs of the newest and best prisons of Europe, including plans of all the prisons of Italy. I am now going to finish up with Spain and Portugal. When I get through I shall have plans and notes of fifty of the most representative prisons of Europe. I am planning to make a condensed report on this subject which will ultimately be at the disposal of any state wishing to build a new prison.

I will ask you, my dear Dr. Henderson, to make use of as much of this letter as you may desire for the information of the Congress and to express to the members, with my cordial greeting, my regret that I can not be present at the Chicago meeting.

You will be glad to know that, backed up by the State Department, I have succeeded in getting the adhesion of Sweden to the Commission, and that the new member, Mr. Almquist, was there. Portugal has also joined, and I expect as the result of efforts at Washington and Berlin to have the co-operation of German states in the congress at Washington to a degree that the congress has never before had.

It is time to go and register my baggage for Barcelona. Good-bye.

With cordial regards to Mrs. Henderson, I am,

Faithfully your friend,

(Signed) S. J. BARBOWS.

Dr. W. D. Stewart, president of the Physicians' Association, acted as presiding officer during the remainder of the session.

## THE PHYSICIANS' ASSOCIATION.

Dr. Stewart—I think I voice the sentiment of all who are here when I say our welcome has been most cordial.

We, as the physicians of this congress, feel that it is our duty to come into closer touch with the study of sociology, criminology and all allied sciences. Medicine has forever severed its relations with superstition and unscientific theories, and



now truly belongs to a place among the natural sciences. The progress of medicine has been as rapid as the progress of the other branches of science and philosophy, and we as physicians must keep in the front ranks of those who are making the great social questions of our country their special study. Our duty is to discover the cause, symptoms and treatment of disease and endeavor to heal it wherever found.

As we have already heard during this session, many crimes are due to a diseased condition of the body. This cannot be denied. As officials in the various penal institutions, we come into daily contact with those who are not only morally ill, but physically and mentally abnormal.

My subject this morning is not a new one and I cannot hope to bring out any new material, but I desire at least to reiterate what has often been said.

### CONVICTS AND NERVOUS DISEASES.

W. D. STEWART, M. D., MOUNDSVILLE, W. VA.

Maudsley has said that "Mental disorders are neither more nor less than nervous diseases in which the mental symptoms predominate, and their separation from other nervous diseases has been a sad hindrance to progress." In this short address, therefore, I may be excused for considering along with nervous diseases some forms of mental aberration.

Twenty centuries have passed since Hippocrates laid the foundation for the study of psychiatry and yet we are unable to work by any ironclad rules so far as nervous disorders are concerned.

What are the causes of the nervous disorders we find among delinquents and defectives? The causes are not one, but a combination of causes: heredity, environment, bad hygiene, drug habits and organic diseases; excesses of all kinds; the worry incident to the stress of modern life—in fact, there are about seventy-five distinct causes. Of these heredity plays a very important part. It is a subject which has filled volumes

and is almost as old as literature itself. In fact, all authorities agree upon heredity as an important cause of nervous disorders. It is not claimed that one inherits a nervous disease, but rather a tendency to nerve diseases, which may be produced by some exciting cause.

As an example, let us consider epilepsy, a common nervous disease among convicts. Echeverria, after ten years of careful research in tracing the offspring of epileptics, has found that 62 male and 74 female epileptics begot 553 children, whose life histories were as follows: Twenty-two were still born; 195 died in infancy from convulsions; 78 lived as epileptics; 18 lived as idiots; 39 lived as paralytics; 45 lived as hysterical; 6 had chorea; 11 were insane; 7 had strabismus; 27 died young from other causes than nervous diseases, and 105 were healthy. Dr. Knight, in an address before the National Conference of Charities and Correction, quotes a case where an epileptic mother bore 15 children. Eight died in infancy, two were fairly teachable imbeciles, two were epileptics, and three had sufficient intelligence to secure husbands and thus continue the multiplication of their kind. It is not necessary for a parent to be of a neuropathic type in order to transmit the tendency to nerve disease, but those who suffer from syphilis, alcoholism, tuberculosis and other diseases of mal-nutrition may also propagate nervous children. (Dana.)

Environment is, I think, a still greater cause of nervous diseases among convicts. Heredity is an important cause, but we, as students of the criminal classes, have to do more with environment. The surroundings of the criminal are more important to us because they can be bettered to a greater or less degree. Bad hygiene is a cause of nervous diseases and seems to enter largely into the cause of crime and the molding and development of criminals. Herbert Spencer says, "The first requisite for success in life is to be a good animal; and to be a nation of good animals is the first condition of national prosperity." In this connection certain investigations made by Dr. Kerley, of New York, are quite interesting and apropos. He found that of fifty young culprits, ranging in ages from six to sixteen

years, brought before the Children's Court of New York City, all but two were anaemic, sallow, and wretchedly nourished. They were dirty, insufficiently clothed and bore unmistakable signs of physical and mental degeneration. This shows that these causes of nervous diseases are acting also as breeders of crime.

By neglecting the children we make our criminals and, to that extent, are the cause of physical and mental diseases; and then we establish courts of law, asylums, reformatories and prisons to take care of these unfortunates when they become men and women. Unsanitary dwellings, uncleanness, want of fresh air and sunlight, lack of pure food and water, certainly play important parts in physical, mental and moral degeneration, and drug habits have always held a foremost place as a cause of nervous diseases as well as of crime. Well might Dr. Richardson, of London, say, "The most solemn fact of all, bearing upon the mental aberrations produced by alcohol, and upon the physical, not less than upon the mental, is that the mischief inflicted upon man by his own act and deed cannot fail to be transmitted to those who descend from him, and who are thus irresponsibly afflicted. Among the inscrutable designs of nature none is more manifest than this, that physical vice like physical virtue descends in line. It is, I say, a solemn reflection for every man and woman that whatsoever we do to ourselves, so as to modify our own physical conformation and mental type for good or evil, is passed on to generations that are yet to be. Not one of the transmitted wrongs, physical or mental, is more certainly passed on to the yet unborn than the wrongs that are inflicted by alcohol. We, therefore, who live to reform the present age in this respect, are stretching forth our powers to the next, to purify it, to beautify it, and to lead it toward that millennial happiness and blessedness which, in the fullness of time, shall visit the earth, making it, under increasing light and knowledge, a garden of human delight, a 'paradise regained.' "

Another cause why drinking habits prevail is found in the ignorance or skepticism of the masses of the people. Notwithstanding the abundant testimony on these points, neither the

majority of the medical profession, of the ministers of religion, nor of the public, have hitherto accepted these truths, or regulated their conduct in accordance with them. This ignorance must be dispelled, this skepticism overcome. The experience of man in all ages is that, when the convictions of the intellect are at variance with his habits, desires and appetites, he requires "line upon line and precept upon precept" to move and keep him in the right path. In these views I find my apology for reiterating, as I have done, facts and principles so often and ably stated and demonstrated by others.

Reliable statistics lead to the conclusion that two-thirds of our pauperism, disease and crime have their origin in this prolific source. In the endeavor to form some proper estimate of the far-reaching influences of this agent, we must not forget how nearly the complicated and all important questions of the prevention and punishment of crime and of individual and social responsibility are related to this subject. They have attracted the attention of students of medico-legal science, which is doubtless destined to be modified in the future by the study of them. Moreover, in this country inebriety has already passed into the legislation of numerous States, and the duty of legislatures in reference to it excites increasing attention.

My personal experience leads me to say that the habitual use of cocaine is becoming most alarming, especially as it affects the criminal classes. The habitual use of no other drug has a more injurious effect upon the nervous system than that of cocaine, nor does any other drug, so used, with the exception of morphine, seem to be a more prolific cause of crime.

The past history of the majority of criminals shows that they were addicted to all kinds of excesses. Considering this fact, it is astonishing to me that more criminals are not afflicted with nervous and mental diseases. While it is a fact that from twenty to twenty-five per cent. of life prisoners are mentally and nervously abnormal, yet when we study the past lives of these men, their heredity, education and habits, the wonder is that seventy-five per cent. do not find their way into the wards of our insane asylums and homes for the incurable. Forty to fifty per cent.

of our criminals use alcohol; ten per cent. are addicted to drug habits other than alcohol, and at least ten per cent. have had venereal diseases—syphilis or gonorrhea. In the face of these facts it is surprising indeed that many more of these criminals are not afflicted with nervous disorders. Every organ of their bodies is poisoned on account of the formation of these habits, and as a result of the many excesses to which they have become accustomed.

Organic diseases are frequently the cause of nervous disorders and, I believe, often account for the presence of some of the inmates within prison walls. It is often very difficult to discover and diagnose these organic disturbances. They may not appear at the time of trial, but are subsequently disclosed at the time of examination and under treatment by the prison physician.

I have observed that a large number of the convicts suffering with mental and nervous diseases have many scars about the head and, in some cases, these are very large. Many of the prisoners with whom I come in contact have been coal miners, and almost every one of them has been injured about the head by falling slate. These injuries are doubtless the cause of diseases of the nervous system. Inflammation of the ears or nose often produces diseases of the brain and nervous system. I have seen men who have committed crimes at a time when, undoubtedly, their nervous systems were not normal. Several cases have come under my observation where, I believe, under these conditions, acts were committed which were insane, but were held by the courts to be criminal. Two cases I recall in which I am convinced the direct cause of the crime committed was a tumor of the brain. Both subjects died of this disease in the penitentiary, and this opinion was thus confirmed. In both cases it would have been impossible, at the time the acts were committed, for anyone to have made a proper diagnosis.

No branch of medicine has made greater progress than that of preventive medicine, and no other branch offers greater possibilities at this time. Dealing with disease is much more complicated than dealing with crime. Our individual danger is ten

times greater from epidemic than from murder, robbery, accidents and fires. (Ellis.) So we should endeavor to prevent nervous diseases, which are often the cause of crime, sending to us the convict afflicted with nervous disorders.

Dr. Barr's exhaustive studies of this subject bring to our attention the case of the descendants of one unclean and neurotic man, traced through many years, "multiplied by consanguineous marriages into two hundred and fifty families, numbering some five thousand individuals, whose continuous criminal record has poured over the Northwest a flood of imbecility, nervous diseases and crime." Nor is this case an exception in order to establish a rule.

We cannot expect to suppress such cases entirely, nor can medicinal agencies relieve society of such incidents; but he who suffers from nervous diseases—the criminal, the epileptic, the neurotic, the drunkard, the one who throws himself away by indulgence in all kinds of excesses—he can be educated, and if necessary can be restrained from bringing forth his kind to burden the earth. Society surely has the right to protect itself against these classes by preventing, as far as possible, their further propagation; and restrictive marriage laws, framed for that purpose, could not be considered harsh or unjust.

Yet, after all, the best preventive of the conditions complained of lies in the improvement or betterment of the environments of the young. It cannot be too strongly impressed upon all our citizens that the men and women who are to do the world's work of the next generation, and who are to raise the standard of physical and moral conditions, are the children of today, who are receiving proper food, pure air, sunlight and water, sufficient clothing, are enjoying the comforts of an ideal home life and, above all, the watchful care and attention of parents fully alive to the responsibility imposed upon them by the laws of God and of Nature. The inculcation of these ideas amongst the masses will, I believe, do much toward solving this great social problem.

What shall we do with convicts with nervous affections? Within the walls of a prison we can do much good for the men

who have come to us with wrecked nervous systems. It is, of course, an undisputed fact that a majority of such cases should be, and are, removed to hospitals for the insane, the epileptic and the feeble-minded. Nevertheless, we find a great number who have not yet passed over the border line between sanity and insanity, between responsibility and irresponsibility; and it devolves upon the prison physician to study and treat such cases. The regular and simple life the convict must live is the first aid to any supplementary treatment that could be devised. Regular hours, regular and healthful labor, plain and nutritious food have saved many a convict from a grave of nervous and physical death. Many men come into our penal institutions who were unable to battle with conditions on the outside, on account of physical and nervous disability. These, with few exceptions, are discharged from their imprisonment in better condition than ever before.

I do not claim that a prison is an ideal place in which to treat the many nervous diseases known to medical science, but I do insist that many convicts have been healed of nervous disorders by reason of the treatment they have received under modern prison methods and administration.

This practice I know does not meet with the approval of those who charge that the medical profession does an injury to society by prolonging the lives of these defectives, but it is surely in harmony with the duty of the true physician, whose province is to strengthen, not to destroy the weak.

Permit me to close this address in the words of Dr. Osler:

"On our heels a fresh perfection must tread, born of us, fated to excel us. We have but served and have but seen a beginning. Personally, I feel deeply grateful to have been permitted to join in this noble work and to have been united in it with men of high, yet human ideals."

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The following paper by Dr. J. B. Ransom was read by title and ordered printed:

## THE PROPHYLAXIS OF TUBERCULOSIS IN PRISONS.

J. B. RANSOM, M. D., DANNEMORA, N. Y.

Tuberculosis, in so far as we know, is of a very early origin in the history of the race; in fact, it is bound up in our very constitutions. It is no ephemeral incident of the social order. It is rather an inherited vice of man's constitution which has so permeated and affected both the individual and the social order that no passing breeze of effort will ever dislodge it as an active factor in determining the destiny of the race.

So widespread is the implantation of tuberculous disease that it means, not years, but decades and probably centuries of wise statesmanship, of devotion, of sacrifice and the exercise of all the noble qualities which go to make up the progressive citizen to uproot it. This war upon tuberculosis must not be the passing pleasure of a group of theorists, but must be waged by an unwearying, undaunted body of workers. Great is the responsibility resting upon us of the present day, for much of the future of this disease depends upon our conception of our duty.

Let no one consider that this is of no practical interest or importance to him. The question of tuberculosis is of vital interest to every man, woman and child that inherits the globe. Under the influence of an increasing and concentrating civilization, the greed and tyranny of the spirit of avarice, the carelessness of individuals, the negligence of governments and the skepticism of the ordinary citizen, this disease has become incorporated into the warp and woof of our very existence. Few individuals do not bear the marks somewhere in their bodies of this insidious disease; few families can congratulate themselves upon being free from this scourge. Tuberculosis is undoubtedly the most widely diffused and common of all diseases. In fact, we may say that to be human is to be tuberculous.

Upon men of this generation there rests, therefore, a mighty



responsibility. The conscientious discharge of duty and the true manhood of our age demands that every one of us do something toward the solution of this great and serious problem.

In my remarks today I am restricted to that feature of tuberculosis which refers to penal institutions. These institutions are indeed a field ready for the harvest, in which the laborers are few.

What is being done in the prisons of the United States and Canada in this matter of preventing tuberculosis? I fear there is much lacking in the examination of prisoners, in the construction of prison buildings, and in the sanitary requirements looking to the prophylaxis of this disease; also in the interest of wardens and of the general prison official in this thing so absolutely essential to the welfare of not only the prison and prisoners, but of the whole social order.

What does true prophylaxis in regard to our prisons and reformatories mean? It means, first, proper construction; second, rigid, exhaustive and conclusive examination of all admissions; third, feeding, clothing and general management of every inmate under the most rigid rules of correct sanitation.

In the theoretical sense, the prophylaxis of tuberculosis in penal institutions begins away back in our race and social history. In the practical sense, if we except the environments of the home, it begins with the juvenile institutions. Next come the jails, and next the prisons and reformatories. Much could be said concerning the development and spread of tuberculosis in juvenile institutions, but the scope of my paper will not permit me to dwell upon this phase of the condition. Coming a little nearer to the subject, we cannot pass without noticing the jails of our country.

My experience has led me to believe that many cases of tuberculosis are developed or infected in the jails. There, where the prisoners are indiscriminately locked up in poorly ventilated rooms, with little exercise, with no medical service and with improper food, nearly all the conditions are met for the spread of this disease. I know there is some advancement in this direction; I know that the jails are cleaner and better constructed; that in

a number of jails, sanitation is in some degree practiced. Some of the larger jails are models of cleanliness and good order, but as a whole I believe them to be breeding places for tuberculosis.

When we consider the conditions under which the inmates are received into a jail, this is not to be wondered at. There is no competent medical examination, no record of health kept. How are the sheriff and his under officers to know that a man or woman has tuberculosis? The prophylaxis of tuberculosis is dependent upon rigid physical and bacteriological examination and that will come only under a compulsory examination law.

I reiterate the statement I made two years ago to this Congress that an examination of every incarcerated man should be made by a competent medical man and a carefully prepared record of such examination should accompany his commitment wherever he may go. When he is received in prison he should have a careful examination and if suffering from tuberculosis, be assigned to separate quarters where open air treatment of his case can be applied. The problem of caring for a prison population is necessarily fraught with many difficulties. It is therefore important that no complex system be inaugurated in a prison, if good results are to be obtained. This work can be greatly simplified by separating tuberculosis cases from the general prison population. They then come under the rules governing the care of this class of cases, to wit: care of the sputum, the teeth, the hands and the clothing. If the tuberculous population is kept separate there is no occasion for a general use of either mouth kerchief or spit cups other than the ordinary for the use of the general population.

One of the most important steps in the protection of the prison population from the spread and development of tuberculosis is the care of the personal clothing and effects and also the bedding and dust disposal. A man's clothing should be his own and follow him, no matter where locked in the prison; and it should be inspected with reference to cleanliness and tidiness as often as once a month. Sheets and pillow cases should be furnished and these should be laundried once a week. All heavy bedding should be subjected frequently to formaldehyde or dry

heat sterilization. It is by means of the clothing that much infection takes place.

Next in order comes the care of the cells. All cells which have been occupied by tuberculous persons should be fumigated with formaldehyde. In connection with the cells I desire to speak of the use of whitewash, which has come down to us from the past. White and pure as it appears when freshly applied, it nevertheless is an element of great danger. As soon as thoroughly dry, small particles or flakes are thrown off. These fine scales are exceedingly destructive to the mucous membrane and when laden with infected bacilli they are a most prolific source of infection. All cells, corridors, halls and rooms in connection with the prison should be thoroughly painted with a washable paint and subjected to frequent washing with soap and water and disinfectants. When you have made your man clean, clean in the sanitary sense, your cells clean, your prison halls clean, and tuberculous subjects are segregated, the problem has become a simple one. Then treat your tuberculous subjects as nearly as possible as they are treated in the outside sanatorium.

An important feature, and one that has given me a great deal of concern, is the treatment of those cases in which the disease has become arrested or apparently cured. It is important that as soon as the case of tuberculosis is in condition, employment be given both mind and body under an environment not calculated to cause a return of the active symptoms. Of course the work best suited to such cases is outdoor work, such as light gardening and farming. However, if this cannot be secured, certain shop work, free from dust and in well-lighted and ventilated rooms, can with a considerable degree of safety be prosecuted.

Permit me to warn you not to depend too much on the death rate in tuberculosis as an index of the number of cases of tuberculosis that may exist in your institution. The death rate of an institution at any given time is so dependent on circumstances that it is not really an index of the physical health and condition of the population. Often men suffering from tuberculosis die long after they go out of prison. For years many go on with a

more or less inactive phase of the disease, spreading infection from person to person and yet not succumbing to the disease themselves. The only test of the freedom of an institution's population from the disease is the health condition of the inmates themselves. Do not therefore be misled by the fact that you are not losing many cases by tuberculosis. The death rate of a single year can in no way be considered as instructive or conclusive. There should be an average of ten years before this will be a factor, and even then, it is an important one in making up our estimate of the health condition of a given institution. Penal institutions have been the breeding places for this disease. They should become the extinguishers, the eliminators; for it is in institutions like these that the most radical measures for its extermination can be put in practice and actual results be obtained. All penal institutions should become veritable schools for instruction and training of this class, in the rules governing protection, not only of themselves but the general community, from the danger of infection from individual to individual. It is here that this modern plan of treatment does much for the prisoner, not only in alleviating his disease but also in educating him to an intelligent care of his person so that relapses will be infrequent.

I reserve for the last a feature of the work of prophylaxis which to my mind is the most important, because it carries with it the possibilities of an almost certain diagnosis and simplifies the real process of classification and segregation of a prison population. I refer to the use of tuberculin. I am aware of the prejudice which has existed and which still exists against the use of this test, but from the reports, both printed and verbal, of our most faithful and careful workers along these lines, there is little room for doubt that in tuberculin we have a means of certain diagnosis which we can no longer afford to ignore.

Why should we deprive ourselves of the use of such an agency in this work of determining the presence of tuberculosis in precisely the class of cases we desire to reach, namely, the early case, the disease in its incipency? I ask every medical man present to give this his most careful consideration and satisfy himself as to the merits of this means of diagnosis.

The means which I believe most likely to secure the best possible results may be briefly summarized as follows:

First. Improved construction, housing and working environments.  
Second. The recognition of the prisoner's receptivity to infection.  
Third. The absolute segregation from the prison population proper of all tuberculous subjects.

Fourth. Special wards for the treatment of all active cases.

Fifth. A compulsory law enforcing the examination of every criminal admitted to a penal institution for the purpose of an early detection of the disease.

Sixth. The construction in some states of a special hospital or sanatorium, and the transfer thereto of all tuberculous cases from all penal institutions.

Seventh. Provisions for out-door employment, such as light farming and gardening, etc.

As for the inmates' care of themselves, I can do no better than read to you the rules put in force by C. V. Collins, superintendent of the New York State Prisons.

#### RULES.

During their period of incarceration, the inmates of the various institutions are cautioned to observe the following rules for the prevention of tuberculosis:

I. Keep the body clean.

II. Wash the hands before eating, the hands being a natural carrier of disease by reason of their handling miscellaneous objects.

III. Do not drink out of another's cup or glass, because of the possibility of the transmission of disease thereby. Many are not aware of being tubercular, or otherwise diseased, and as a consequence take no precautions, thus placing the responsibility of doing so upon you.

IV. The same should be observed in regard to the use of soap and towels; each man should use his own material.

V. Hang the bed linen on a nail or hook to be properly aired.

VI. The floor of the cell, be it stone, concrete or wood, should be thoroughly scoured with soap and water.

VII. Before sweeping in the shops, moistened sawdust should be thrown on the floor to prevent the dust and germ matter from spreading through the air. Do not have it dripping wet. Windows should be opened wide for the escape of all dust.

VIII. Do not use a duster, as this scatters dust which is therefore not cleaned away, but settles elsewhere. It is still in a dangerous place and may be inhaled, thus lodging in the lungs and bringing on disease.

Use lightly moistened cloths for the purpose, and gently shake them out of doors.

IX. Do not spit on the floor in the cell, chapel, shop or mess hall, for the sputum of a consumptive is swept up or otherwise spread about. It is then breathed and conveyed to the lungs, the germ is lodged there, consumption resulting.

X. Do not neglect a cough or cold. See the doctor.

Keepers will rigidly enforce the foregoing rules and any violations of them must be reported to the warden.

C. V. COLLINS,  
Supt. State Prisons.

Albany, N. Y., April 20, 1907.

Dr. Stewart—I have the pleasure of introducing Dr. H. C. Sharp, physician of the Indiana Reformatory, Jeffersonville, who will speak to us about “Rendering Sterile of Confirmed Criminals and Mental Defectives.”

## RENDERING STERILE OF CONFIRMED CRIMINALS AND MENTAL DEFECTIVES.

H. C. SHARP, M.D., JEFFERSONVILLE, IND.

In the first four years of my connection with the Indiana State Prison South, afterward the Indiana Reformatory, I received many applications from the men for relief from spermatorrhea and the conditions and practices leading up to it. In 1899 I concluded, as an experiment, to ligate and sever the vas deferens for the relief of this malady, and I proceeded on the theory that by cutting off the orcutic fluid from the seminal vesicle it would relieve the tension and in this way lessen the inclination to priapism.

So far as I could see, the only drawback to this operation would be a resulting cystic degeneration of the testicle. I could not understand how there could be an atrophy, as in no case was there severed a single nerve blood vessel or lymphatic.

On October 11, 1899, I performed this operation upon a boy nineteen years of age, who had been a masturbator since his earliest recollection and had reached the point in which he indulged in this practice from four to ten times in the twenty-four

hours, and could no longer refrain from it, even in the presence of others. He was very dull and made positively no progress in school. He applied to me, asking that he be castrated, so great was his depression over his condition. I advised the other operation and he consented. A few days later he returned, claiming that I had deceived him and had really done nothing for him. He again insisted upon castration, but I assured him that I was working in good faith and persuaded him to return to his work and await developments. These began to appear in the course of three weeks.

The boy ceased to practice masturbation; notwithstanding the fact that desire still existed, he had mustered enough will power to desist. His mental habitude and his physical condition greatly improved. He gained twenty-two pounds in sixty days, and the superintendent of our schools assured me that the boy was quite studious and was making rapid advancement in his studies. There was no cystic degeneration or atrophy, no development of nervous symptoms. In other words, no untoward symptoms were discernible. He became an enthusiastic advocate of the operation, and upon his recommendation many of his fellow inmates made application for relief from the same condition. Encouraged by my brilliant success in the first case, I accommodated all comers, until in something over a year I had seventy-six cases, without a single accident or unfavorable symptom.

It was then that it occurred to me that this would be a good method of preventing procreation in the defective and physically unfit. We know that a general law of heredity obtains in both the mental and physical life. It is a fact that has been recognized for centuries. Here is a method by which you can render a man sterile without in any way producing a single unfavorable symptom. On the contrary, you improve both his physical and his mental condition. Is there any brutality in this? Is it cruel or inhuman?

The superiority of this operation over castration lies in the fact, first, that it is void of all danger, while castration is an operation of considerable gravity and has been known to cause death. Vasectomy can be performed without an anesthetic and

the patient may return to his work immediately following. Not so with castration. But the greatest advantage lies in the fact that the testicle has a double function, that of an internal as well as an external secretion, and the human economy cannot maintain an absolutely normal condition when deprived of this internal secretion, as occurs with castration. You will remember that the eunuch of old became unnatural and effeminate. This is obviated in vasectomy. Nor is the æsthetic effect impaired, which in itself is worthy of consideration. The patient is not mentally depressed by the fact that he is obviously different from other men.

During the year following I continued to perform this operation. It was done only at the request of the individual, and not by coercion. I received constant encouragement from many persons interested in the work, chief among them being Charles E. Shively, of Richmond, Ind., then a member of the Reformatory Board of Managers; Joseph P. Byers, of Randall's Island, New York, and Amos W. Butler, secretary of the Indiana Board of State Charities. But not until Mr. W. H. Whittaker became identified with the Reformatory did I find an active supporter in presenting a bill to the legislature providing for vasectomy as a means of preventing procreation. In fact, he took the initiative and I became his supporter in the undertaking. We had a bill introduced in the House of Representatives in 1905. It was referred to the Committee on Reformatories, but as we were unable to secure a unanimous report, the bill was allowed to die in committee. In 1907 Mr. Whittaker drew another bill which eventually became a law, much credit being due to the enthusiastic support and tireless efforts of Dr. Horace G. Read, of Tipton, who was a member of the House. The bill was signed by Governor J. Frank Hanly, whose administration has been noted for its efforts at race purity and civic righteousness.

There was some opposition to the measure on the ground that it was incompatible to the spirit of reform. The prevailing idea of the present era is that crime is the result of ignorance and environment. The author of this law, Mr. Whittaker, who is an enthusiastic believer in reformation through education and im-



proved environment, holds that this law is in no way paradoxical with the idea of reform, for it applies to the degenerate class only, and degeneracy is a defect, not a disease. For it there is no cure. Idiots, imbeciles and degenerate criminals are prolific, and their defects are transmissible. Each person is a unit of the nation, and the nation is strong and pure and sane, or weak and corrupt and insane in the proportion that the mentally and physically healthy exceed the diseased. Nor can any nation live if there is a reverse ratio. So we owe it not only to ourselves, but to the future of our race and nation, to see that the defective and diseased do not multiply.

Shall we permit idiots, imbeciles, and degenerate criminals to continue the pollution of the race simply because certain religionists teach that "marriages are made in heaven" and that the "function of procreation is divine?" To me these are the most damnable of heresies. Shall we continue to stand by and see constantly coming to the marriage altar the diseased and the healthy, the sane and the insane, the idiot, the epileptic and the imbecile; the backward, the criminal and the habitual vagrant; the syphilitic, the consumptive, the inebriate and the drug habitué; the rake and the blameless, the roué, the neurotic, the erotic; the sexual pervert and the reformed prostitute? It is high time that the nation should hearken to the cry, "Pity the children!" Thank God, Indiana has hearkened.

I wish to add that 223 inmates of the Indiana Reformatory have been treated thus surgically, 217 by voluntary request and six under the authority of the above named law. This law provides that upon the recommendation of the physician, the Board appoints a commission consisting of two surgeons in addition to the regular institutional physician, whose duty it is to inquire into the mental and physical condition of inmates recommended by the physician and the Board of Managers. If this commission finds such inmates unfit to procreate, it is given authority to perform the operation to prevent it.

I am proud that Indiana is the first State to enact such a law, and that the Indiana Reformatory is the pioneer in this work. We regret that it has not been taken up by any other institution

or State, yet we have an abiding faith that its merit will commend it to you all and that eventually other states will enact similar laws.

## DISCUSSION.

General Garcia—I would like to ask Dr. Sharp if this process could be applied to lepers?

Dr. Sharp—Yes, sir.

General Garcia—We have about 120 lepers in our hospital. This disease gives us more trouble than any other in the island. The escapes from the hospital are only for the purpose of getting to the women, and there are escapes every week. The government now has \$167,000 to purchase a home far away from every city, where this class can be carefully attended and escapes made impossible. Our Board of Trustees has been discussing methods of relieving these desires of the lepers. We have received information from Europe and some parts of the States that sterilization by the X-ray method has given satisfactory results and we were just about to introduce a measure along this line, but this paper has made me think that perhaps the surgical operation would be better.

Attorney-General James Bingham, Indiana—It occurs to me that there is another feature of this subject that it would be well to consider, and that is that it would be a better and a safer policy and the law would be upon sounder footing if the process of sterilization should be attached as part of the judgment imposed upon the criminal when he is found guilty. In my judgment there is serious doubt about the soundness or the safety of any law which permits the emasculation of a sane person. Of course that can be evaded by a request made by a sane person. There is no doubt about the right to perform this operation in order to relieve disease, but you will all recognize the unsoundness of the principle of emasculating a perfectly sane person unless it is imposed as a part of the penalty. Another thing that should be considered is that the penalty of sterilization should

apply only to cases where sterilization is peculiarly necessary. I think it doubtful whether sterilization would be helpful in the case of a man convicted of robbery. The doctors would know better about that. If lepers have the peculiarities suggested by General Garcia, then of course it would be adapted to that class. I make this suggestion from a legal standpoint, in order that your law may be safe and on a solid footing.

H. F. Coates, Ohio—I have in mind a man in the Ohio State Reformatory who was sent to us for sodomy, an offense punishable with from one to twenty years. He was twice paroled and twice recommitted for the same offense. That man could earn anywhere from four to six dollars a day. Both times he came back he said, "It is simply impossible for me to control myself." I said to the Board of Managers that I would never again agree to parole that man. When he was brought before the Board again, he denied that the statement he made before was true. I still said I would not parole him. Indiana came to the front with this new law, and I finally agreed to parole this man to Indiana. We notified the proper authorities and gave him to understand that if he committed the offense again, the Indiana authorities would perform that operation, with or without his consent. Under those conditions he is in Indianapolis, and I understand is working and doing well.

During my term as president of the Board of Managers, I said in my report to the Governor that I did not think these men could be cured by discipline in the Reformatory. We should procure another institution where they could be treated. The Governor brought the matter before the legislature and secured an appropriation of some \$50,000, and I hope some day soon to be able to report to this Congress that we have an establishment at Lima, Ohio, where such men will be treated. I am thoroughly satisfied that when we have this institution, some such law will be passed in Ohio as has been enacted in Indiana.

Dr. Horace G. Read, Indiana—The position taken by Mr. Bingham, that this operation should be a matter of punishment adjudged by the courts, is the same as my own originally; but

after a little conversation with Mr. Whittaker, I saw the danger of allowing this to become a sentence of the court. It is not meant to be a punishment, but rather a protection to society and the race. It would be unsafe in the hands of the courts. It is safeguarded in the institution by the appointment of two expert surgeons who must be consulted before the operation is performed. In no case must it be performed unless it is the judgment of these experts and the Board of Managers that the case is unimprovable. The scope of the bill is much broader than appears on first reading. The performance of this measure for the protection of the human race is in the hands of all institutions having in their care and custody idiots, imbeciles, rapists and confirmed criminals. Before the passage of this act, we enacted a law defining a confirmed criminal. Any one convicted of a felony the third time is a confirmed criminal, and I believe should be sentenced to life imprisonment. So there is no danger of complication in regard to that class. As to the rapist, it is not intended to apply only to the vicious, the rapist in the true sense. Recently a man was sent to our State Prison who was guilty of rape upon every member of his family. Why he should be allowed to propagate his species I cannot see. I can see every reason why the power should be taken from him. It is human. It is right.

We have near the city of Fort Wayne an institution for the feeble-minded, in which there are confined more than one thousand boys and girls, some of them forty years old. The superintendent assured me last year that fully twenty per cent. of that population might be sent away from the institution, where they would be self-supporting, if it were not for the danger of propagation. This bill does not apply to the man alone and should not.

Our Board of State Charities has very wisely advised the cautious enforcement of this law. I have not spoken from a legal standpoint; I have only attempted to show that the law is sound. I see no reason why society has not the right to protect itself.

Mr. Bingham—I think my suggestion was to some extent mis-

understood. This thought is not original with me, that the constitutionality of such a law is doubtful. The suggestion comes from the report of your Committee on Criminal Law Reform, prepared by Judge Roby, which I will read this afternoon. I think there is force in the suggestion. Society does have a right to protect itself, but the soundness of a law which authorizes the performance of an operation of this kind without a written request you will find is a pretty grave question.

Dr. Sharp—I wish to bring out the point that this is simply a medical measure. It is in no way intended to punish a man. I talked with Judge Roby quite extensively upon this measure before it was enacted into law, and he was heartily in favor of it. He perhaps sees some legal defect that may endanger the law. So far there is no danger of this ever reaching the court, unless some lawyer wishes to create trouble. In the 223 cases I have operated upon, I have not received a protest. Some of the men have gone out of the institution on parole, have served their time and have been discharged. Some have gone out of the institution upon the expiration of sentence. It seems to me their silence is sufficient evidence, if nothing else, because they are a class that would rather make trouble if they thought they had been wronged.

A Delegate—If we have the right to deprive a man of his liberty, I think we have equally as good a right to deprive him of the power of propagation. This bill was drawn along the lines of one that was presented to the English Parliament, which failed to pass. The English are a very conservative nation and look after the rights of individuals, I think, perhaps, better than any other nation on the globe. What we need to do is to eliminate sentiment and simply sit down and figure out the good of the commonwealth.

General Garcia—We cannot do anything along this line in Cuba except through legislation or through the written consent of the parties, but we have consulted the inmates for the last six months and all of them, male and female, are willing, with the condition that they may be allowed to marry. This paper of the doctor will lead us to consider the matter further.

W. H. Whittaker, Indiana—A careful study of this law will show you that the doctor is absolutely restricted. First, he must select those who he thinks need this operation and report them to the Board of Managers. After the Board makes an examination it appoints a committee of two expert surgeons who, with the institution physician, pass upon each case and report back to the Board of Managers, recommending the kind of operation to be performed. The institution physician is not allowed to perform any operation he may wish; that rests with the Board of Managers. If the Board decides that the operation is to be performed and enters an order to that effect, then the physician is permitted to go ahead. The object of the law is to deter crime as well as to protect society by prohibiting propagation among the unfit. I have given this matter very careful thought and have investigated every case that has been operated on in the Reformatory, and I want to testify to the good work that in my judgment it does. After the operation is performed, the man gains in weight, he gets color in his face, he sleeps well and yields better to discipline. This is not an outrageous operation. The law gives the physician the right to cut off a man's hand in order to preserve his health. This is an operation to return a man to his normal condition rather than anything else, and I cannot see why sentiment should play any part either in favor of or against the law.

Judge Henry V. Freeman, Chicago—It seems to me unfortunate that there should be any confusion in the minds of the audience as to the distinction between the measure itself and the propriety of the act in question. The propriety of the thing is clear to my mind. As to the law, I am somewhat in doubt about it. It is said to have a deterrent effect on those confined in the institution. The deterrent effect would be still greater if the penalty was inflicted by the court. Aside from that there is the question of the constitutional right of a commission to inflict this penalty without the judgment of the court.

Following some announcements by Dr. Henderson concerning the noon hour, the session adjourned.

## WEDNESDAY AFTERNOON SESSION.

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The afternoon session on Wednesday was called to order at two o'clock by the president. On account of the illness of Hon. Frank S. Roby, chairman of the Committee on Criminal Law Reform, Hon. James Bingham, Attorney-General of Indiana, took the chair and read the report prepared by Judge Roby.

### CRIMINAL LAW REFORM.

#### REPORT OF COMMITTEE.

HON. FRANK S. ROBY, INDIANAPOLIS, CHAIRMAN.

The basis of the right of the state to inflict punishment is stated by a standard writer as follows:

"Yet as government has no concern with men except as members of society, it is obvious that their moral improvement can never properly be made the primary object of punishment. Nor, on the other hand, can vengeance ever properly be an object of punishment even in the slightest degree. To suppose this would be to clothe government with the attributes of a fiend.

"Self-protection is, then, at once the foundation and the end of the power which society exercises of punishing its members. So true is this that if a case could be supposed in which it would be perfectly certain that an act, however atrocious, could not be repeated by the same or any other person there would be no motive for punishing it.

"In preventing the repetition of crimes, punishment is designed to operate both upon the original offender and upon the community at large. Upon the offender himself it operates in one of three ways, namely: By physically disabling him from repeating the offense; by dissuading him from it through the

recollection of past suffering; or by both of these together. Upon the community at large it operates only by terror of example.”

The Indiana constitution provides that “The penal code shall be founded upon the principles of reformation and not of vindictive justice.” In accordance with the spirit of this provision, the trial judge in that state is empowered to suspend sentence upon both infants and adults.\*

That the withholding of punishment is often more effective than its rigorous infliction is a fact within the knowledge of every head of a family, and instances will readily suggest themselves in which judges of criminal courts have felt constrained by the letter of the law to commit persons to prison, knowing at the time that such commitment was to the detriment of the individual, of those dependent upon him and of the community.

Such constraint being removed, the judge is vested with a discretion which he is expected to exercise; a discretion which, wisely exercised, accords to those who deserve it another chance, helping them to follow the paths of rectitude by the certainty of punishment to follow subsequent deviation therefrom. The power thus conferred upon the judge may be abused; the presumption is that it will not be abused.

The old system under which a father and husband, pleading guilty to a charge of larceny based upon the taking of a bundle of oats or loaf of bread, was “sent up,” was often absolutely sure to work brutal injustice. That it continued as long as it did is a remarkable fact.

Localities in which power to suspend sentence does not exist are very much behind the times. The constitutional provision above quoted expresses a universal principle, and statutes making it a practical as well as a theoretical truth ought to be enacted in every state.

The right of self-defense belongs equally to individuals and to the collective individual known as society.

A natural person who is in imminent peril of life or limb may meet force with force even to the taking of life when necessary, and that too although such peril did not in fact exist,



provided that he believed and the appearance justified him as a reasonable man in believing that it did exist.

In determining whether an exigency has arisen in which he must defend himself, each person is the judge, his decision being always subject to review by and the approval of the state, acting through its judicial tribunals. When the state asserts this right, the existence of the exigency and the degree of force proper to use is determined by it, and from the nature of things its conclusion is not subject to review. The character of the defense which may properly be made depends upon the attendant circumstances and, when made by the state, upon its moral attitude and the grade of its civilization.

The law of the land is not the mandate of an external sovereign, nor the creation of an extrinsic power. It is "the resultant of the conflict of forces which arises from the struggle for existence among men."<sup>a</sup>

The progress of civilization is in no way better illustrated than by a comparison of the drastic penalties in force when Blackstone wrote, with the now nearly universal indeterminate sentence. The rigor of common law penalties has been removed. It is no longer necessary to acquit a guilty defendant in order to avoid the barbarity of their infliction. The artificial procedure incident to them still lingers.

The age eagerly seeks to make use of scientific principles in the conduct of its affairs. Preventive medicine, by means of which pestilence and contagion have been limited and will be overcome, furnishes a striking example of what may be thus accomplished. The juvenile court is a direct and necessary result of the application of such principles in the domain of criminal law.

In Indiana the creation of the court, its rapid development and permanent incorporation into the judicial system of the state, are now mere matters of history. The end to which trials in such courts are held is the ascertainment of truth. This is in itself a startling fact. The truth is sought in order that a judgment may be framed which will prevent crime by converting prospective criminals into honest people. The probationary system causes those for whom no one cares to be cared for.

The criminal is more pernicious to social tranquility than the Canada thistle is to agriculture. Farmers have for a long time endeavored to prevent their fields from being seeded with Canada thistles, as well as to pull up and dig out those which have taken root.

Juvenile court practice is so conducted as not to shock the common sense of an ordinary layman. The judge has power to exclude from the court room during the trial of children persons whose presence he does not regard as necessary. Parents or others responsible for a neglected or abandoned child who, by act or omission of duty, contribute to such condition, may be fined and imprisoned, jurisdiction being given to this court.\*

The doctrine of self-defense by the state is incorporated in all the statute books. It is deemed probable that one who has committed murder will repeat the act and that his act, unpunished, will lead others to kill; therefore, the state takes his life.

It may do this by hanging or by life imprisonment, and it is not necessary that the unfortunate culprit obliterated by either of these methods should be guilty of murder. Treason may be punished by death and life imprisonment may be imposed on a third conviction for felony.†

The free school system is an essential auxiliary to republican government. It not only qualifies the citizen to discharge civic responsibilities, adding to his efficiency in the discharge of everyday duties, but it helps him to discover the inutility and foolishness of crime.

Adapting defensive measures to anticipated danger, it has become necessary to restrict immigration, rejecting the unfit and thereby guarding against future injury.

The war against the saloon as the representative of the liquor habit and all legislation having for its end the prevention of drunkenness is an expression of the doctrine of self-defense.

In ancient times one main office of the law was to enforce the theological concepts of the law makers. Theology has become subordinated to a considerable extent to religion, and modern legislation must therefore be directed to tangible matters of present concern.

While the state has the right to take life when it deems such action necessary, it has no more right to use unnecessary force than a natural person has to do so in making his defense.

The individual who passes necessary limits and thereby becomes an aggressor is subject to punishment. The state is not coerced to the use of only necessary force by the fear of punishment since it can not be put upon trial, but moral considerations do apply to it and ought to be quite as effective as motives of fear.

There has been and is no more serious and menacing a condition than the so-called race problem.

The main reason that there is any race problem is found in the fact that black men assault white women. It may as well be taken as a fixed fact that so long as such assaults continue, lynchings will continue and will be justified by the communities in which the outrages occur.

That the exigency is grave, no well-informed person can doubt. The Atlanta massacre was a disgrace. It was in many respects on a par with St. Bartholomew. Its atrocity has not been described in type. It lacks a historian, but the feeling of which it was an expression is not confined to a single city or state.

The great bulk of the African citizenship is law abiding. That it should suffer because of the crime of an insignificant fragment is both cruel and unjust. The negroes are not interlopers. They need the white man and the white man needs them inexpressibly more than he did when he was importing them from their own continent. There is neither antipathy nor reason for antipathy between the races except for the fact above referred to.

Lacking power to control the lower types of his race who hark back to savagery, the black may fairly look to the law for some measure of relief.

As one step toward it there ought to be legislation, stringently enforced, prohibiting the sale of "dope," under which head cocaine and kindred drugs are included. They are usually sold under the guise of patent medicines, catarrh cure and the like, but are also obtainable without concealment.

It is not necessary to describe their effect, which is well known. How wholesalers, jobbers and retailers who profess respectability can satisfy themselves to pass such stuff along is an enigma. That sort of work is no cleaner than and not much different from the work of a procurer. The retail druggist who engages in it grades much lower than a saloonkeeper. The state which does not have sufficient conscience and legislative integrity to condemn this sort of traffic ought not to complain if its capacity to exercise the governmental function is doubted.

There is evidently a good deal of money in the business, and those who conduct it have not had much trouble in securing the services of some members of state legislatures, nor, for that matter, of some United States senators and congressmen. Ignorance upon the subject can not at this time exist except upon the part of those who desire to be ignorant.

The heavy burden is upon the legislator who does not support legislation of this general character, to show that his action is not inspired by direct or indirect financial interest, while the introduction or support of amendments calculated to make the measures ineffective amounts in itself to a plea of guilty.

Restriction of the sale and use of such drugs will reduce crime of almost every kind and exert an appreciable effect upon the race problem by to some extent removing its cause.

A further legislative measure calculated to minimize the cause of the race problem will be found in statutes providing that in prosecutions for rape, assault with intent, incest and sodomy, the jury trying the issue shall have power to specify sterilization of the defendant, in addition to the penalties for such crimes now prescribed.

The operation which would be thereby necessitated is a simple and painless one. The contrast between it and hanging or electrocution is altogether in its favor, both from a humane and practical standpoint.

The criminal negro cares little for imprisonment. He will both care for and understand the result of the proposed penalty. The instinct which renders him uncontrollable, operates to give efficacy to the anticipation of the proposed punishment. One emasculated negro, an object of derision and contempt among

his fellows of both sexes, will furnish an object lesson well calculated to protect white women from outrage and honest colored men from mob violence.

Such penalty could not be the exclusive privilege of the blacks. White brutes equally deserving would at the option of the jury share its benefits. All outrages are not perpetrated by black men. The newspapers are full of accounts, veiled or open, of bestialities. The Thaw trial and the Rhodius case were of much greater public interest than the meeting at The Hague. The seduction of children has become so common that life imprisonment is specified as the punishment for rape upon a child under twelve years of age."

Offenses which have their inception in a perversion of the sexual instinct call for penalties which will remove the cause of the crime.

There are good reasons why the proposed additional penalty should be fixed by the jury. No law can be effective which does not have the support of public sentiment. The jury will represent and conservatively express that sentiment. If the penalty necessarily followed a finding of guilty, such fact would make convictions difficult, if not impossible, where the jury happened to be opposed either to the general penalty or its present application. Cases are also supposable in which it ought not to be inflicted.

By leaving the entire matter to the jury in the first instance, a sure safeguard against abuse is furnished, the mistakes of that component part of our judicial system being almost always on the side of mercy and in favor of the defendant.

The president of the National Conference of Charities, Amos W. Butler, in his address at Minneapolis last June, made a detailed statement of facts learned by tracing eight hundred and three families through three generations, one or both of the parents of such families having been feeble-minded. Sixty and six-tenths per cent. of the 3,048 persons constituting said generations have a jail, asylum or poor house record. The unwisdom of continuing to furnish material with which to fill the institutions is patent. The segregation of imbecile females ought to be pos-

sible, but the protection of feeble-minded girls is a matter of the utmost difficulty.

The Indiana law authorizes an operation for the prevention of procreation upon the inmates of any institution entrusted with the care of confirmed criminals, idiots, rapists and imbeciles. The operation is done upon the recommendation of the institutional surgeon, assisted by two skilled surgeons of recognized ability, appointed for that purpose, and the board of managers.

To the extent that the operation is part of a necessary medical treatment, the act is undoubtedly valid, it being as clearly within the function of the physician to perform this operation as to relieve a condition caused by pressure upon the brain. To the extent that it attempts to confer power to emasculate a sane man committed for rape, or as an habitual criminal, the act is of doubtful validity.

There can not be any doubt of the power of the state to authorize such an operation as a part of the punishment fixed by an original sentence when such punishment is germane to the crime committed, nor can there be any doubt of the duty of the state to render medical treatment, made necessary by either physical or mental disease or condition.

Each of these phases of the matter are essential subjects of legislative consideration.

It was suggested at the last meeting of this association that the question whether insanity should be a defense in criminal actions deserved attention. The writer has not given the subject such consideration as justifies a recommendation. A synopsis of the statutory law upon the subject in the various states is attached, with the idea that it may lessen the labor of some other person interested.\*

In the preparation hereof, legislative acts of the State of Indiana have been frequently referred to. This is largely due to the familiarity of the writer with them. An additional excuse is found in the fact that the Indiana legislature has taken high ground and shown itself alert to do what needs to be done.

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\*See Appendix.

The subjects to which reference has been made will be recognized as marking the frontier of the laws developed. That development is a result of the unrelenting war which humanity must forever wage in justification of its right to exist and to exercise the high powers both for good and evil which have been acquired by it.

The outposts of today are occupied by the advancing multitudes of tomorrow. Indeed, the intelligent comprehension of the educated multitude is becoming quite as keen as is that of those who by virtue of position should be pioneers. The conservatism which the people now demand is not the kind which doggedly adheres to tradition, but rather that which makes sure that proposed measures will accomplish the end desired and do neither harm nor injustice to any one.

<sup>a</sup> Walker's Am. Law, 572.

<sup>b</sup> Sec. 63, Burns' Ind. Stat. 1901.

<sup>c</sup> Acts Ind. 1907, p. 447.

<sup>d</sup> Biglow Cent. Law.

<sup>e</sup> Acts Ind. 1907, pp. 59, 60, 61, 263, 342.

<sup>f</sup> Acts Ind. 1907, p. 109.

<sup>g</sup> Acts Ind. 1907, p. 86.

The Hon. Charles J. Bonaparte, Attorney-General of the United States, was next introduced. He read the following paper:

### PUNISHMENT AND PARDON.

CHARLES J. BONAPARTE, WASHINGTON, D. C.

All social order is founded upon obedience: unless men can be induced or compelled to do and not to do what they are told by lawful authority to do or not to do, as the case may be, combined effort, organization, effective labor in any great undertaking, education, security for person or property, in short, civilized society cannot exist. Discipline is merely a habit of obedience grown so strong as to have become instinctive, and discipline has a miraculous power to radically change human nature, making weak and timid and degraded and vicious men face calmly dan-

ger, pain and death, where, without it, the best and bravest falter, flinch and run away. A few disciplined soldiers, when well led, have again and again easily put to flight a vast multitude, although made up of men as well armed and individually as brave as themselves; nor is this really surprising, for the greater its number the feebler the army, unless all hearken to one voice and are guided by one will; otherwise their discordant efforts interfere with and thwart each the other.

Obvious as is the necessity of discipline in war, it is nearly, if not quite, as evident in industry, in education, indeed, in any field of labor where men work together to a common end: a factory in which each workman, or a university in which each student did what he pleased, when and how he liked best, would add little to the wealth or the knowledge of mankind; the output of the first would be pandemonium and bankruptcy; the second would teach only the folly of disorder and discord.

The commands of a sovereign, whether this sovereign be a man, a few men, or an entire people, although their forms and names may vary, yet, for the purpose of this discussion, all constitute laws; obedience to these laws on the part of those subject to them is indispensable to the welfare, the safety, even the continued existence of a state, especially of a civilized state in modern times, and human experience has shown that to assure such obedience, pain, in some form and to some extent, must be made a consequence of disobedience to any individual guilty of it, so that the motive of fear may be added to whatever other motive may, in any particular instance, contend against the temptation to disobey in one whose appetites or passions or real or apparent personal interest point to disregard of the law. When Tommy sees the pantry door open and jam on the shelf, affection for his mother may weigh with him in deciding whether he will do as she told him and let it alone; and so may some memories of an ache, more or less accurately localized, and the consequent physic which followed his last indulgence; but if mamma, when she gave the warning, cast a significant glance at her slipper, and if Tommy's limited experience of life has been already sufficient to furnish a definite mental picture of the



slipper's incidental utility, these facts will tend in no small measure to strengthen his virtuous resolve to resist the jam's allurements. When Tommy has grown older and bigger and his good mother and her good slipper have done all they could to make a man of him, he still has the like opportunities and the like inclinations to do what the laws he should now obey forbid, and no less need of something to fill the slipper's place in his imagination, when struggling with temptation.

The primary purpose of punishment is to assure obedience to the law: when inflicting punishment, the state looks, not to the past, but to the future; not to the individual who has disobeyed and now suffers, but to all the individuals in like case with him who may hereafter fear to disobey by reason of his suffering. It is of great, even of vital, consequence to bear these facts in mind while dealing with this subject, for many persons and especially many penologists are disposed to overlook them. That such should be the case is in no wise surprising, for the attention of penologists is naturally and strongly attracted to the criminals themselves and to the effects, good or ill, of punishment on criminals; and it is but an illustration of human nature if the habit of such fixed attention leads them, at times, to forget that these are matters, not indeed of indifference, but of altogether subordinate importance. The welfare of society depends, not on what happens to those convicted of crime, but on what happens, as the result of their conviction and chastisement, to its innocent members: the efficacy of any form of punishment, the merits of any accepted principle or method of our criminal law, must be judged by its results to the community at large; if it diminishes crime and makes obedience to the law more prompt and general, then it is a good thing: its effects on the law-breakers, while worthy of note, are of vastly less moment.

Forgetfulness that the primary end of punishment is to assure obedience to law leads to two very serious errors which have, too often, led to grave and untoward results in the administration of the criminal law. Of these the first is that punishment seeks only or mainly the reformation of the criminal and

consequently that a reformed convict should be at once restored to society. It is a practical objection to this doctrine that no human being, not even the man himself, can feel, with reason, at all assured of a convict's "reformation" until he has been, in fact, again exposed to the opportunities and consequent temptations of personal liberty and social life. But, independently of this consideration, the theory is fundamentally false. Grant that a condemned murderer has repented, sincerely and from his heart, of his sins: grant that he has recognized, in all their deformity, and now heartily abhors the vices which have poisoned his soul and made his past years dangerous and noxious to society; all this may be true and yet furnish no sufficient reason, indeed, no reason at all, why his life should be spared. He mounts the scaffold to protect his fellowmen, not from himself alone, but from all of their number who share his human weakness and his human passions, who must fight against the same promptings to evil which he found too strong, and who may do to another the same wrong for which he suffers. He dies, not to rid the world of a bad man, but that good men may live and live in safety and happiness.

Nevertheless, it is true that punishment fails, not, indeed, in its primary, but in an important secondary end, if the criminal remains as dangerous to society after he has suffered it as he was before; and this is yet more clearly true if he has then become a source of even greater peril and possible injury to law-abiding people. While the chastisement of each particular offender looks to the betterment, or at least the diminished harmfulness of all possible wrongdoers, still as he is himself one of them, and that one most directly affected by the penalty, its effect upon him must have due weight in considering its merits. To form, however, any reasonable opinion on this subject, we must here, as in all things, judge the tree by its fruits. If any form of punishment renders those who have suffered it less willing or less able to again break the law, it is *pro tanto*, a good form of punishment: if it makes less neither their readiness nor their capacity to do again the like wrong, when occasion offers, then, insofar as it affects them, it is a failure.

Considered in this light, I fear we must own that there is room for rational improvement in the penal methods of modern civilized society. We have developed a class of men, few, doubtless, in proportion to the aggregate population, but nevertheless far too many for our credit or our safety, who pass the greater, or, at least, a very large part of their adult years in one after another prison, using their intervals of liberty only to devise and perpetrate new crimes, and their periods of confinement only to debauch their fellow-prisoners and to perfect their own education in deviltry. The "habitual criminal," it must be remembered, is a product of modern civilization: our ancestors would have hanged him for his first felony, or, if by any chance, he escaped this fate, he would have almost surely died of some of the maladies then endemic in prisons, while awaiting trial for the second. I would not have men hanged today for a trifling theft, nor our prisons dens of filth and hotbeds of disease; but I would have modern society cease to nourish and shelter its proved and inveterate enemies. Some years since, in a magazine article on certain defects in our criminal law, I suggested that an attempt to commit a capital crime ought to be made itself capital, when this should seem proper to the trial judge, and also that, when a man has been already thrice convicted of major crimes, upon his conviction for his fourth offense of the like grade, he should be liable, again in the discretion of the court, to the death penalty. At the time these suggestions appeared to grate upon the nerves of some among my critics, but I have seen no reason to repent of them. A number of years ago, in my own state, a degraded and vicious youth was sentenced to a comparatively long term of imprisonment for an assault with intent to commit a rape. Almost immediately upon his release, indeed, if my memory serves me aright, on the way to his home from the penitentiary, he committed the crime he had previously attempted, and was afterward hanged for it. Did the state do its full duty toward the unfortunate woman he unhappily met, when it turned this vile human beast loose again upon the community, after ample proof of his true nature?

The second error to which I have referred is that punish-

ment should be always measured by the moral guilt of the offense, or, in other words, that in every case the greater the sin the greater the crime and the greater the merited penalty. This view overlooks the purely utilitarian purpose of the criminal law; it aims, not to make men virtuous, but to make them obey the sovereign. It is true that the habit of obedience to lawful authority which it fosters tends to strengthen and elevate human character, so that it indirectly promotes good morals and piety; but the experience of mankind has shown that attempts to make its action to these ends direct, attempts to make men pure and godly through fear of fine or imprisonment, are foredoomed to failure; their certain fruits are hypocrisy and violent reaction: after all, this means only that the criminal law may aid education and religion, but cannot fill the place of either. The essential immorality of all crime consists in disobedience to law; he who is called upon to obey any particular statute may think it just, wise and beneficent, or he may think it oppressive, foolish and hurtful: but his duty to obey is no less clear and peremptory in the one case than in the other. Indeed, greater severity of punishment may be, and often is, needful to assure obedience to a statute whereof many disapprove, than to a statute heartily sustained by an undivided public opinion; and, since all punishment involves some measure of social waste, so that, other things being equal, a milder penalty, if sufficient to its end, is intrinsically preferable to a harsher one, it is not infrequently true that the appropriate punishment is in inverse ratio to the generally recognized guilt of the crime; severe chastisement must be threatened and, when needful, be inflicted just because so many people feel little or no scruple of conscience in committing the offense.

Here again, however, some qualification, or, at least, some apparent qualification, of the broad statement just made is necessary to strict accuracy. The primary and essential purpose of punishment, in all cases, is to assure obedience to the sovereign, but as one of its subsidiary or incidental purposes may be to amend the offender, so another may be to afford a reasonable satisfaction to the community's instinctive hatred of wick-

edness and wrongdoing, and thus provide a safeguard to the public peace against organized violence, disorder, or private vengeance. When a right thinking man hears of some deed of infamy or outrage, he cannot escape an itching to "get at" the perpetrator; and, I may add, it is most fortunate for society that he cannot. He looks to the law to gratify this instinct, which he feels to be one of self-preservation; and, if the law disappoints him, if lawyers or sentimentalists or politicians or all three combined cheat him out of the satisfaction he feels to be his due, especially under circumstances which bring strongly home to him a sense of personal loss or danger from unpunished crime, he may load up his shotgun with slugs and, perhaps, sow the seeds of a new "feud." The state, in modern times and civilized countries, has monopolized the business of avenging injuries, insofar, at least, as this may affect the person or property of the wrongdoer; but this monopoly will be respected only while it meets the public needs. Too much milk and water, either in our laws or in their enforcement, means lawless bloodshed, and, in last resort, private warfare.

The continued existence of the power of pardon in the executive is due to the fact already noted that the primary purpose of punishment is a strictly practical one, namely, to assure obedience to law, and to this further fact that the circumstances of human life, the idiosyncracies of human character and conduct are so infinitely diverse and so constantly shifting that no merely human law giver or judge, however wise and farseeing, could, by any possibility, so adjust the penalty to the offense as to attain this end in every case, surely and at the least cost to the community. In the public interest, therefore, there must be some means of meeting exceptional cases, adapting the situation to changed circumstances, and sacrificing minor to attain greater results, when the attainment of both may be impracticable.

The power to pardon exists and can be rightfully exercised only for the public benefit; the wishes and interest of the culprit or of his family or of his friends are altogether immaterial except insofar as these individuals constitute an infinitesimal

fraction of the public affected. The personal sympathies and inclinations of the officer discharging this duty are entitled to no consideration whatever; he is not forgiving his own debtor, one who has trespassed against him, but a public debtor whose trespass has impaired or endangered the happiness of the whole community. A story is current in Washington of an unnamed Congressman who indignantly resented the failure of the Department of Justice to recommend clemency towards one of his constituents because he understood a Representative "was entitled to three pardons each session," and this was the first he had asked! This story is undoubtedly a myth, but the moral standard it ascribes to the apocryphal Congressman is but little lower than would be that of any official adviser who should recommend a pardon because of personal sympathy for the criminal, or for his wife, or for his children, or, indeed, for anybody. If I were conscious that I had ever advised the President to exercise clemency for no better reason than because I felt sorry for the prisoner or those interested in him, I should feel that my conduct had differed, indeed, in degree, but not in kind, from what it would have been had I given such advice for a bribe in money.

There are four appropriate grounds for clemency, namely, injustice of conviction, excessive severity of sentence, satisfaction of the demands of justice and necessity to obtain evidence against other criminals. In the first, I say "injustice," not "error"; for the executive has, in nowise, the duties of a court of appeal, and reasons for a new trial are not reasons for a pardon. If the jury were satisfied with inconclusive proof of guilt, if the court erred in overruling or sustaining demurrers, in admitting or excluding evidence, the remedy must be sought elsewhere; and, if none can be found, after all no great harm is done, unless, upon its merits, the conviction was not merely erroneous but unjust. If, however, the convict can clearly and satisfactorily show that he was, in truth, innocent, this fact constitutes a sufficient reason, in the public interest, for his pardon; for nothing tends more surely and strongly to the happiness of any community than assurance to the innocent against unjust

punishment: the perpetual and universal dread fostered by an arbitrary and inequitable administration of the criminal law acts as a blight on all forms of prosperity and all forms of progress. The facts, however, very seldom justify clemency on this first ground: during my nine months' experience as Attorney-General, I have known but one such case, and its attendant circumstances were so peculiar that the improbability of their recurrence amounts almost to certainty.

There is more frequently reason for clemency on the second ground: that is, partly because the statutes do not always leave to the court enough discretion in the matter of penalty; partly, because the most careful and conscientious judge cannot always inform himself fully as to all facts material to determine the proper punishment of the convict before he pronounces sentence. It must be remembered that, since, as has been already said so often, the principal end of the criminal law is to ensure obedience to the sovereign, it is ordinarily more important to make punishment swift and certain than to make it notably severe; and also that its efficacy as a deterrent depends more on its being disagreeable than on its being injurious to the criminal. I have heretofore noticed that some measure of social waste necessarily attends the infliction of any penalty, so that, *ceteris paribus*, a moderate penalty, if effective, is to be preferred to a harsh one. For all these reasons, the power to pardon is sometimes exercised with salutary effect to mitigate the severity of recent sentences; although, in my own official experience, this has been done much less frequently than it was desired and asked by judges who had imposed such sentences. It has been my rule to advise no commutation of recent sentences unless the court's discretion was fettered by the statutes or unless the circumstances were altogether exceptional. To fix the penalty for a crime is, I think, the duty of the judge, not of the President.

It sometimes happens that, although the sentence, when imposed, was not disproportionate to the offense, yet the endurance by the culprit of a part only of the penalty attains the ends of punishment and makes the remission of the remainder advisable in the public interest: this is probably the most common

of legitimate grounds for a pardon. I have called it a "satisfaction of the demands of justice," but this term must be understood in a strictly practical sense, that is to say, as meaning only the fulfillment of all the purposes properly sought in the criminal's punishment. In passing upon the propriety of a pardon asked on this ground, the considerations, to my mind, most relevant are the character of the crime and the surroundings of the prisoner when he committed it. If the offense betrayed only the recognized infirmity of human nature in the mastery of conscience and will by sudden and overpowering passion, more particularly if the culprit had little in his education and surroundings to help him to resist temptation; if, when he fell, he was poor and ignorant, friendless and unhappy, these facts weigh in his favor when the executive is asked to lighten his penalty. On the other hand, if, in his disobedience to law, he showed some unnatural depravity, or else cool premeditation, hypocrisy or treachery, or if he offended while enjoying the best blessings of human life; if he had a devoted wife, affectionate and dutiful children, a fair education, and good reputation and many friends, then I hold him as dangerous as well as an unworthy member of society and the example of his crime peculiarly pernicious.

The fact that a conviction by a federal court may involve the loss of civil rights, causes many applications for pardon to released convicts merely to secure their restoration. Insofar as such loss affects the competency of the convict as a witness, this disability should be promptly removed by statute: it constitutes a needless, and sometimes a very serious, impediment to the administration of justice; conviction of crime, of whatever character or grade, ought to weigh against a witness's credibility, but ought not to impair his competency. The remaining disabilities implied in the loss of civil rights I would retain: they serve to put the convict on a sort of probation during the critical period following his release, by holding out to him, in their removal by pardon, a reward for five or six years of orderly and law-abiding life, showing fitness for restored citizenship.



The last appropriate reason for the exercise of clemency is found in the occasional necessity of obtaining evidence from one wrongdoer to secure the conviction and punishment of another. In certain forms of crime, such as bribery and conspiracy, in which more than one person must be concerned, the precise facts usually lie in the knowledge of the guilty parties only, and it is often very difficult, sometimes quite impossible, to secure adequate proof against any unless one of them can be induced to testify. The intrinsic difficulty of dealing with cases of this character has been artificially augmented in this country by our constitutional and statutory prohibitions against compelling anyone to furnish evidence incriminating himself. The language of these prohibitions, in my judgment, calls for prompt and thorough revision; they now serve, not to protect innocence, but to shelter guilt; but so long as they shall bind our courts, prosecuting officers must deal with the problems they create or render more perplexing, and one solution to these problems is occasional immunity for criminals who "turn state's evidence." It must be remembered that, in a case of this character, the question presented to a public prosecutor is not whether of two lawbreakers one shall be punished or both, but whether one shall be punished or neither: the net result of refusing total or partial immunity to one of the guilty parties may be that all of them will snap their fingers at justice. Moreover, anything promotes the public welfare which tends to make lawbreakers distrust and fear each other: the old adage as to what happens "when thieves fall out" illustrates the benefit to society flowing from the constant dread of banded wrongdoers, lest some one of their number "give away" the rest; and this dread grows the stronger the more frequently it is shown to be well-founded.

It is true that an offender who becomes a state's witness is usually repaid by an omission to prosecute, not by a pardon; nevertheless such service is not infrequently alleged as a reason for clemency, and the pardoning power provides the executive with means to make good any assurance it has given such a witness or any reasonable hopes it has encouraged him to cherish. The exercise of the power for this purpose is, indeed, open

to grave abuse: responsibility to public opinion for its employment to these ends should be strict and carefully defined; nor can there be any doubt that such responsibility rightfully rests on the superior law officer entrusted with the enforcement of the criminal law, and rests on that officer alone. This, however, amounts only to a special application of the sound and salutary principle that he who holds and uses or he who advises the holder how to use so delicate and far-reaching a power as that of pardon must be ready at all times and to all legitimate critics to render a just account of his stewardship.

Mr. John C. Richberg, of Chicago, representing the Commission on Uniform Legislation, was next introduced.

Mr. Richberg—One of the cardinal objects of the American Bar Association, as announced in its constitution, is the securing of uniform legislation throughout the United States. The association, which as you know is representative of the best legal ability in the Union, took up that subject at its first meeting, some thirty years ago. It wrestled with it for some years and finally concluded that it would be advisable for the different states of the Union to appoint State Commissioners on Uniform Laws, whose duty it should be to meet with sister states in annual conference and propose legislation for adoption by the different states. It was found impossible to attain this object in any other way except by an amendment to the federal constitution. That was a problem of such vast difficulties that after mature consideration it was abandoned.

The subject of uniform legislation first took actual form in 1890. There are now thirty-nine states whose commissioners meet in annual conference, the commissioners being appointed by the Governors under legislative enactment. They discuss the subject of uniformity of laws and laws upon which uniformity may be desired. To show that something has been accomplished, I may state to you they prepared a uniform criminal code, which has now been adopted by thirty-three states. Other laws have also been adopted. This conference of commissioners meets annually, at the same time that the American Bar Association

meets. Its next meeting will be in Los Angeles in August, 1908. I suggest that it might be advisable for this association to appoint a committee to attend that conference and lay before it the various laws in which you are interested. I can say for the Conference on Uniform Legislation that it will be only too glad to receive such a delegation and will give it all the aid in its power. In the last two years we have created a committee on penal statistics. The chairman is from the District of Columbia, which is admitted to this association along with the states. We have received the endorsement of Congress for our Negotiable Instrument Bill, which was passed in both houses and signed by the President, and is now the law in the District of Columbia. There seems to be no good reason why Maine should have one civil code and California an entirely different one; why the laws of Minnesota should be different from those of Alabama. Perhaps the time may come when we may have one civil and one criminal code for the entire United States. Its enforcement and application may be left to the local bodies.

Mr. Bingham—We will next hear from the Committee on Statistics of Crime. In the absence of Dr. Samuel J. Barrows, this report will be made by Dr. Charles R. Henderson, whom it is my pleasure to introduce.

Dr. Henderson—This is simply as a matter of form that some sort of a report should be made and with the suggestion to the Congress that it would perhaps be well to reappoint this or some other committee to continue the subject of the study of statistics. We can all appreciate the fact that if we are to compare the experience of one state with another, in order to have uniformity of law and uniformity of thought about law, we must have so far as possible uniform statistics. We therefore suggest that the study be further continued and that all of us, so far as possible, co-operate with the authorities at Washington and with other agencies for the advancement of the study of this subject during the coming year. Mr. Koren will speak in regard to the work that is done by the general government, a very important feature in relation to our study and relations here. I believe, how-

ever, that we should state that our committee has done something in two directions. In one direction we are calling the attention of the authorities at Washington to our field, and some very important advance has been made in that respect. I believe, further, our committee has made some progress in securing the co-operation of those who have the means and disposition to promote our study on the ground of private philanthropy. More of this in the future. I shall not go into detail, but you may consider this as a report of progress, for progress has been made by this committee. In the absence of our chairman this is all we are prepared to report.

A motion to accept the report and to continue the committee was carried.

Mr. Bingham—We will now hear from Mr. John Koren, of the Census Bureau at Washington, who will give us some facts about the prison population of the United States.

### SOME FACTS ABOUT THE PRISON POPULATION IN THE UNITED STATES.

JOHN KOREN, BOSTON, MASS.

It is humiliating to admit the absolute dearth in the United States of competent statistics of crime. The hard truth is that no one can state on the basis of well-ascertained facts the approximate volume of crime in this country, and whether it shows a rising or falling tendency. We indulge in much guess-work, and the chief guessers seem particularly fascinated by speculation concerning the cost of crime. The great social burden each one of us must help bear on account of crime is patent enough. We may even be inclined to subscribe to extravagant estimates of the annual budget to be met in order to prevent, detect, and punish crime. But, in the expressive vernacular, we have not cared sufficiently to find out where we are at. In other civilized lands they have. For our country at large the decennial federal enumerations of prisoners have been and continue to be the

chief source of information. But even an ideal census of prisoners is utterly disappointing when applied in measurement of the volume of crime, its increase or decrease. By counting the prison population on a given date or the number committed to penal institutions during a stated period, we merely disclose a part of the large output of the criminal courts. The numbers of unconvicted offenders, and the numbers who, although found guilty, escape incarceration by means of the payment of fines or through some form of judicial leniency, remain unknown. The most important source of information concerning the crime problem has been neglected.

Until we can put alongside of our prison statistics reliable reports on the disposition of criminal cases drawn from the dockets of all courts with criminal jurisdiction, the verdict rendered so often by foreign investigators must stand—the United States is without adequate criminal statistics.

Yet I should certainly be the last to decry the great usefulness of statistics of prisoners. They are our chief source of knowledge concerning the elements of population that enter into the criminal classes, the social conditions of these elements, the proportion of prisoners convicted for the different kinds of offenses, the penalties meted out, etc. In short, properly presented facts in regard to the prison population form an indispensable contribution to our knowledge of various phases of the crime problem.

At the census of June, 1890, the sane prisoners at least five years of age in the United States, exclusive of those in military prisons, numbered 1,067 in each million of population in the United States; but fourteen years later, in June, 1904, they numbered 1,006 in each million. The figures, therefore, indicate an actual decrease since the last enumeration in the number of sentenced prisoners in proportion to population. Does this decrease foreshadow a wane of crime? No one can tell. Probably not. But, if not, this decrease at least denotes that imprisonment has ceased to be the sovereign means of dealing with certain classes of offenders. The period of fourteen years since the census of 1890 has been marked by the establishment

of the probation and parole systems, by a movement against the use of the short-term sentence, and by the introduction of other substitutes for imprisonment. How many minor offenders thus escape the stigma of imprisonment and are given the benefit of custodial supervision outside prison walls no one knows. In the aggregate their numbers are sufficient to account for the decrease alluded to in the prison population. If, then, the latest available figures do not indicate a diminution in criminal offenses, they denote unmistakably a signal progress in methods of dealing with criminals. It is significant that in states which adhere to antiquated methods of dealing with criminals the ratio of prisoners to population shows no signs of diminution, but rather the reverse.

While the general prison population shows a slight diminution in proportion to population, the percentage of colored prisoners increased from 30.4 in 1890 to 32.6 in 1904. This increase in the proportion of colored prisoners was particularly notable in the North Central States, where 14.2 per cent. of the prisoners enumerated in 1890 were colored, as contrasted with 20.5 per cent. in 1904.

It is also evident that the colored furnish a disproportionately large part of the prisoners. According to the last census, the whites formed 87.9 per cent. of the general population, yet only 67.4 of the prisoners were white. The colored formed 12.1 per cent. of the general population, but furnished 32.6 per cent. of the prisoners. For each State and Territory, with the exception of Arizona, the percentage of colored among prisoners was in excess of the percentage that the colored formed of the total population. The differences in the proportions of colored prisoners in the different States are, to a considerable extent, the results of divergent local conditions. High percentages may, in some instances, reflect greater severity in dealing with colored criminals than with the white. There is, however, no escape from the conclusion that relatively the colored contribute much the larger number to the prison population, for this condition exists in States with a small admixture of colored as well as in States in the "black belt" of the South.

Unlike the colored, the foreign-born white appear to be of decreasing importance among prisoners. In 1890 the immigrant class formed 28.3 per cent. of the total number of white prisoners, but by 1904 this percentage had decreased to 23.7. On the other hand, the percentage of native white in the total number of white prisoners increased from 71.8 in 1890 to 76.3 in 1904.

This change is common to all sections of the country. Even the North Atlantic States, which have absorbed most of the late immigration, show a larger percentage of native prisoners and a smaller percentage of foreign than they did in 1890. It is evident, therefore, that the recent huge additions of foreigners to the population are not reflected in the prison returns in the degree the prison statistics of 1890 might have led one to expect.

A diminished percentage of foreign-born prisoners in 1904 as compared with 1890 does not prove, however, that the foreign-born now contribute to the prison class in smaller proportion than to the general population. The most reasonable basis for determining this is obtained by comparing the percentage of foreign-born among white prisoners with the percentage of the foreign-born in the general white population fifteen years and over, as nearly all prisoners are over fifteen years of age. Such a comparison shows that, while the foreign-born formed 23.7 per cent. of all white prisoners, only 21.9 per cent. of the general white population (census of 1900) fifteen years of age and over were foreign-born. These figures give little support to the popular belief that the foreign-born contribute to the prison class greatly in excess of their representation in the general population. The North Atlantic States group is the only important one where the foreign-born are relatively more numerous among the white prisoners than in the general white population. In the North Central States, on the other hand, the foreign-born form 23.3 per cent. of the general white population of the ages under consideration, but only 16 per cent. of the prisoners. As no allowance has been made for the great influx of foreign-born since 1900, which affects chiefly the North Atlantic States, the figures presented cannot be regarded as indicating a greater criminal tendency among the foreign-born whites than among the native.

These conclusions are generally substantiated by the facts ascertained concerning the prisoners committed during 1904.

So far I have drawn the facts from the enumeration of prisoners on a given date in 1904. In order to obtain a clearer picture of the prison population of the present time and at least an indication of the movement of the population in prisons, a separate enumeration was made of all persons committed to prisons during the twelve months of 1904. As no similar enumeration has ever been attempted, no comparisons can be made with an earlier period.

The prison population on June 30, 1904, numbered 81,722. During 1904 a total of 149,691 prisoners were committed in the United States on term sentences. Assuming the number 81,722 to represent the average number in prisons on any given date, it will be seen that the prison population on any fixed date constitutes about 54.6 per cent. of the number committed on term sentences during the year.

For Continental United States the commitments to prisons during 1904 numbered 184.1 in each 100,000 of population. The ratios of commitments in the various States differ widely. In Alabama, for instance, the ratio was 55.7 commitments per 100,000 of population; in Illinois, 80.5; but in Massachusetts, 482.3; and in California, 523.4. To infer that actual conditions of criminality are truly reflected by such ratios would be contrary to all known facts. For example, although Illinois has a population twice as large as that of Iowa, the number of commitments in Iowa was larger than in Illinois. This can have but one meaning; namely, that different standards in the prosecution and punishment of crime prevail in the two States. The attitude of the public in regard to the punishment of minor offenses has a marked effect upon the kind of sentence imposed, and this in turn affects the ratio of prisoners to population. In the States where drunkenness, disorderly conduct, vagrancy, and violations of local ordinances are rigidly prosecuted and frequently punished by imprisonment on a term sentence, the ratio of prisoners to population must, of necessity, be larger than in communities that follow a more lenient course. To put it differently,



the widely divergent ratios of prisoners committed to population are determined largely by the use of the term sentence in dealing with minor offenders.

More than one-half of all the persons sent to prison in the United States on a term sentence during 1904 were committed for the offenses of drunkenness (23.2 per cent.), disorderly conduct (11.5 per cent.), and vagrancy (18.9 per cent.). In other words, more than one-half of the persons sent to prison in the course of a year had been convicted of violations of law that do not necessarily imply a criminal bent in those perpetrating them. Comment is hardly necessary.

In all, 10.4 per cent. of the prisoners committed in 1904 had been convicted of some offense against the person. Among these, 2,444 persons were imprisoned for homicide. For Continental United States this is equal to a ratio of 3 in each 100,000 of population. Arizona, Nevada, Texas, Louisiana, New Mexico, and Kansas, in the order named, are the half-dozen States with the largest ratios to population of persons committed for homicide. The reason why the ratio for Kansas is higher than for any other State of the North Central group is probably that a United States prison is located in that State. The highest ratio in any State of the North Atlantic division, 1.9, was in Pennsylvania. The ratio reported for Wisconsin and Minnesota (namely, 0.7) is notably small.

Relative to population, the largest number of commitments for robbery and for rape (respectively, 3.9 and 1.4 per 100,000 inhabitants) occurred in the States of the Western division. In each 100,000 of population there were 17.8 commitments for burglary in the Western division, and 10 in the North Atlantic States. These two State groups have the largest ratios.

Before passing to a brief consideration of the relation of sentences to offenses, a word should be said about the short-term sentences. For Continental United States 29.4 per cent. of the prisoners committed during 1904 were sentenced for less than thirty days, and 67.2 per cent. for less than four months. The employment of sentences for less than thirty days does not appear to stand in the close relationship one might expect to the

number of minor offenses involved. In Massachusetts, for instance, where an unusually large proportion of the prisoners committed had been guilty of minor offenses, such as drunkenness and vagrancy, only 9.8 per cent. were sentenced for less than thirty days, whereas in Illinois, with comparatively few commitments for these two offenses, 34.5 per cent. of all prisoners were incarcerated for less than thirty days. The abuse of the short-term sentence is particularly conspicuous in the North Central and Western States. On the whole the terms of sentence for minor offenses reveal strangely inconsistent and, to a large extent, futile policies in the use of repressive measures in combating crime.

In regard to sentences for specific crimes it is found that the severity of the penalties imposed often appears to bear little relation to the gravity of these crimes as implied by their titles. For example, no less than 21.3 per cent. of the persons sentenced for adultery were sentenced to terms of less than thirty days' imprisonment. On the other hand, the crime of fornication was, in a number of instances, punished by imprisonment for periods varying from three to fifteen years, and in some cases longer. It is also curious to find the offense of disorderly conduct meriting imprisonment from six to nine years, and violations of liquor laws calling for even a severer punishment. In such instances it is probably to be assumed that the crime formally charged was not the only one of which the defendant had been guilty.

Of the 2,444 persons committed for homicide in 1904, but 106, or 4.3 per cent., were sentenced to death and awaiting execution of sentence. The largest percentages of persons guilty of homicide who were sentenced to death were found in the North Atlantic and Western States. Yet the North Atlantic States had the lowest ratio of homicides in 1904 (namely, 1.4 per 100,000 of population), while the Western had a ratio of 4.8, or the second. In the six States, excepting Pennsylvania, with the largest numbers committed for homicide—namely, Kentucky, 147; Tennessee, 134; Alabama, 120; Mississippi, 138; Louisiana, 154; and Texas, 150—only four of this great number of persons found guilty of homicide were condemned to die—three

in Texas and one in Mississippi. Of the whole number committed for homicide, only 24 per cent. were sentenced for life, 26 per cent. for terms of one to five years, and 37.1 per cent. for from six to twenty-one years and over, etc. However we may construe them, these figures are exceedingly impressive.

In order to gain a clearer meaning of the crime movement as represented by the commitments to prisons and perhaps some inkling of the criminal proclivities of the various groups of offenders, the prisoners were classified as major and minor offenders. All crimes that are universally held to be of a grave nature, regardless of how they happen to be punished, were invariably classed as major offenses. In regard to larceny and a number of other offenses, which may or may not be of a serious nature, the rule was followed of classifying them as minor offenses when the term of imprisonment was not for more than one year. Time permits only the briefest summary of some facts gleaned by classifying the prisoners as major and minor offenders.

It is significant that in each of the geographic divisions, and in most of the States and Territories, the percentage of colored was larger among the major offenders. In other words, the colored contribute relatively a larger number of dangerous criminals to the prison population than the whites. It may be remarked, in passing, that, of the colored major offenders, 13.4 per cent. had been committed for homicide as against 6.6 per cent. of the white.

While commitments to prison for 1904 show the popular belief that the foreign-born are filling the prisons to have little foundation in fact, it is also apparent that the foreign-born whites are slightly more prone than the native whites to commit minor offenses. What is true, however, of the foreign-born generally, does not apply equally to the various groups of nationalities entering into the foreign-born prison population.

There were committed, during 1904, 35,093 white prisoners of foreign birth. The extent to which the various foreign-born nationalities are factors in the prison population, and thus in the criminal class of society, can be fairly well tested by comparing

the per cent. distribution, by country of birth, of the foreign-born prisoners committed with the per cent. distribution of the total foreign-born population of the country. Such a comparison shows that persons born in Austria, England and Wales, Ireland, Italy, Mexico, and Scotland, formed a larger proportion of the foreign-born prisoners committed during 1904 than of the total foreign-born population. This was not true of the white prisoners born in Canada, Denmark, France, Germany, Hungary, Norway, Poland, Russia, Sweden, and Switzerland. The first-mentioned group of countries furnished 35.3 per cent. of the white foreign-born population (in 1900), but 59.3 per cent. of the foreign-born prisoners. The last-mentioned group of countries furnished 58.8 per cent. of the foreign-born population (in 1900), yet only 36.5 per cent. of the foreign-born prisoners.

The Irish constituted 15.6 per cent. of the total foreign-born, but contributed 36.2 per cent. of the prisoners, and was by far the most largely represented nationality among the foreign-born prisoners. Relative to their numerical representation and importance among the foreign-born peoples of the United States, the Germans are the least conspicuous among the foreign-born prisoners.

This relation of the various foreign nationalities to crime assumes another aspect when the prisoners are classified as major and minor offenders. The following countries contributed percentages of major offenders in excess of their relative representation among the foreign-born population: Austria, Canada, France, Hungary, Italy, Mexico, Poland, Russia, and Scotland. Comparisons of this sort are, of course, not conclusive evidence of the criminal tendencies of the different nationalities. Yet it is highly significant to learn that, while the Irish, as stated, contributed 36.2 per cent. of all the foreign-born prisoners committed in 1904, they furnished only 10.7 per cent. of the foreign-born major offenders, or a smaller percentage than the Italians, Canadians, and Germans.

In this connection it is of interest to touch upon the relative frequency of the different offenses among the several nationalities of foreign-born prisoners. The Canadians, Poles, English, and

Welsh, in the order named, lead in offenses against chastity. The Italians stand at the head in crimes of violence. Of the foreign-born committed for homicide, the Italians form 16 per cent. as compared with 3.6 per cent. of the Irish. The Italians are also most conspicuous for the crimes of robbery and for rape. On the other hand, the Italians show the lowest percentage of major offenders against property (30.1 per cent.), and the English and Welsh the highest (69.7 per cent.), followed by the Russian (66.5). The Poles and Russians lead in percentage of prisoners committed for arson, Mexicans, English, and Welsh in the percentage committed for burglary, and the Russians in the percentage committed for larceny.

The percentages of minor offenders committed for drunkenness and disorderly conduct run from 28 per cent. among the Italians to nearly 63.9 per cent. among the Irish. In general, the foreign-born show larger percentages sentenced for drunkenness and disorderly conduct, but violations of the liquor laws and vagrancy were relatively more frequent among the native-born.

In conclusion, a single question: Are we making a wise and careful use of imprisonment as a means not only of repressing crime, but of reforming criminals? In answer I shall merely offer some facts in regard to the ages at which prisoners are committed. More than 14,000 of the prisoners committed in 1904 were under twenty years of age, and 685 were under fifteen years. As the reformatories in the country would not even hold such a number, and besides receive many who are over twenty-one years of age, it is evident that we annually send thousands of youthful offenders to penal institutions primarily designed for the safe keeping of the offender, and not for his reformation. Moreover, one would hardly dare assert that the age of possible reformation stops at twenty years. There is still hope for many who are under thirty years of age. Yet the fact is that more than 50,000 of all the prisoners committed in 1904, or nearly 35 per cent., were between twenty and twenty-nine years of age, and that most of them were confined in penal institutions conspicuously wanting in everything which could stimulate to a clean and upright life.

## DISCUSSION.

Dr. Fred H. Wines, North Carolina—I understand from Mr. Koren's paper that the number of commitments for homicide during the year 1904 was 2,444. Some newspapers have stated that there are 10,000 homicides annually in the United States. I think that is a gross exaggeration.

Dr. H. H. Hart, Illinois—I think that what we have just listened to is as interesting as anything we have had occasion to hear in the whole of this meeting. It has been a matter of very great gratification to see the study begun in the last fifteen years and the treatment of this kind of statistics by the Census Bureau. We ought to encourage the Department at Washington and Congress, as well, to enlarge upon and follow up the lines that have been opened up first by Dr. Wines and his associates, and later by Mr. Koren and his associates. Take this one line of facts with reference to the crime of foreign nationalities. Up to the census of 1890 we were entirely misled on that subject, and what was given by Mr. Koren shows that we were misled by comparing the criminal foreign-born with the foreign-born population. We counted the American-born children of these foreign-born against their own parents, and that made it appear very disproportionate. The truth is that on the whole the foreign population that comes into this country is choice. It consists of those people who have saved up enough money to go to a foreign country; they furnish a valuable part of our population. That is true of almost every nationality that comes to us and it is only a matter of justice that these facts should be recognized.

On the other hand, it is not necessarily true that in the long run the American-born population is any worse *per se* than the foreign-born, because under the operation of our laws and the facts that I have spoken of, and the class of people that seek to come here, having left behind them their offensive population, it will take at least two generations for the people that have come from the foreign-born population to get back to their criminal population. The same thing is true of insanity. We find a very unfortunate fact that calls for study on the part of this body,

and that is that the second generation of foreign-born parents makes a very much worse showing than their parents. In my judgment that is largely due to the difficulty of persons who come to a foreign country to accommodate themselves to the new environments. The man who comes from Germany is accustomed to a different social order and a different kind of public school administration, and it takes a long time for him to accommodate himself and his children to the new environments. A part of the work of juvenile courts, which deal with children in all social ways in this country, is to assist these foreign parents to meet this difficulty and acquire the training that will enable them to bring up their children under these environments. These are suggestions of the value of the study opened by this presentation.

Warren F. Spalding, Massachusetts—I want to say a word about the facts brought out by Mr. Koren regarding homicide. We have heard a very great deal about the non-punishment of homicide in this country. We have been told over and over again that there are substantially ten thousand homicides in this country every year, and that less than two hundred are punished. And the reason why murder has increased is that they were not punished. It is not true. It has never been true. There may have been only two hundred executions a year, but thousands of men have been punished for homicide in other ways, and there has been no reference made to that side of the question. We have the facts for the first time regarding the imprisonments in a single year for homicide—2,444. May I suggest that this is only a small fraction of those who must be counted out from that category of the unpunished. Let us remember that in a great many cases of these ten thousand, the homicides were in self-defense. It should be remembered that in an increasing number of cases, suicide has followed murder and punishment was impossible. There is no possible way of ascertaining how many homicides, when passed upon by the courts, have proven to be hardly more than an assault, and in a great many cases the verdict has been reduced to assault. On the whole, the punishment of homicide in this country is a very different thing from what it

has been charged to be. We have been grossly misrepresented by men who ought to have known better.

Rev. D. J. Starr, Ohio—I most heartily agree with the statement made by a former speaker as to the value of this paper on statistics. I regret exceedingly that Dr. Barrows' report on statistics which we expected to hear has not been presented. I appreciate very greatly the gathered wisdom and arrangement of facts presented to us in the paper last read, but it is the publication of these facts that will make them of the greatest value. It has already been stated by Dr. Wines that newspaper reports of the homicides in the United States are perhaps 300 or 400 per cent. in excess of those actually committed, and hence all over the country the statement of increase of crime. Now we have a custom of observing throughout our country the last Sabbath in October as Prison Sunday, and laymen and pastors over the country desire this information. It will be perhaps six or ten months, according to past experience, before the proceedings of this body, including the statistics, will be given to the public in book form. I very much wish that these statistics might be given out and might be available to those who will observe Prison Sunday, and I would like if some arrangement could be made by the Executive Committee for the early publication in pamphlet form of the paper last read. I move that we request of the Executive Committee the early publication of this paper in pamphlet form.

The motion carried.

W. H. Hart, Indiana—There is meat in all the papers that have been read here. It seems to me this Congress could take very seriously the suggestion that was made by the gentleman from Chicago regarding uniform laws. There is no reason on earth why there should be anything else than uniform laws all over the Republic. If the indeterminate sentence law is a good thing for Indiana, is it not a good thing for every other State in the Union, especially when it has been so successfully proven? If business methods have proven to be a good thing for the institutions of Indiana, are they not a good thing for every other State in the Union? I approve the suggestion made by the dis-



tinguished lawyer who himself is a member of the committee formed by the American Bar Association, that this Congress appoint a capable committee that will work with them, to the end that we may have uniform statutes.

In passing, I can say that the indeterminate sentence law was enacted in Indiana through agitation and hard work. Two years ago the president of the State Bar Association and other good lawyers attacked it; they thought it was not constitutional and was not a good thing, even if constitutional; but the workings of that law have been of such a character and have so proven themselves in the interest of humanity and deterrent of crime that at the session of the association a few weeks ago, the law was approved and in that large number of lawyers not a voice was heard against it.

I move that this Congress appoint a committee of three or five to co-operate with the American Bar Association.

After a motion put by A. W. Butler, with the consent of Mr. Hart, the Committee on Organization was asked to report a committee of five for the above purpose.

Rev. J. L. Sutton, Louisiana—I want to say something about the point brought out that foreigners are the best people. In Louisiana we have had and are still having a great deal of trouble with Italians. They are a most vicious class. I say this, they are the best prisoners we have had. They have come from prison. One of them said to me that he really felt relieved in prison, and told me he had been in prison in his own country. They do not keep our laws and do not like them, yet in prison they are very good prisoners.

Mr. Murphy returned to the chair, and the meeting adjourned.

## THURSDAY MORNING SESSION.

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The morning session on Thursday was called to order by the president. Dr. Charles R. Henderson, as chairman, submitted the report of the committee in charge of the new constitution and by-laws.

Charles F. Coffin, Chicago—It was my privilege to assist in the organization of the first Prison Congress, and I was one of the incorporators of the Association when a charter was secured from the State of New York in 1871. Most of the labor was done by one of the most excellent men I ever knew, Dr. E. C. Wines. The first meeting at Cincinnati in 1870 was a notable one. Three Governors and a large number of other public officials were present. The whole meeting was a grand success. For the last few years I have not been able to attend the Congress, but I have been interested in reading the papers. I see that since that first meeting in Cincinnati the whole tone is changed. At first little attention was paid to reformatory measures—indeed, they were not believed to be at all practical by a large number of the old prison officers and were rather ridiculed than otherwise. On one occasion, when some reformatory steps had been proposed by Mrs. Coffin and myself, General Pillsbury, who was then warden of Sing Sing Prison, said to us, "You are philanthropists and tender-hearted, but you have no idea about the management of a prison or the class of men with whom we are brought into contact." Most of the papers in the earliest stages of the Congress were upon prison discipline, prison labor and various things connected with the management of an institution. Gradually a change has come over those attending the Association and almost all the papers presented on this occasion have taken strong ground in favor of probation and the parole system. I feel proud to have lived long enough to see

this change take place, and I have pleasure in moving the adoption of the committee's report as an advance step.

The motion, seconded by Col. Charles E. Felton, carried. For convenience, the report has been inserted at the back of this volume. .

W. H. Hart, of Indiana, as chairman of the Committee on Resolutions, read the following report:

### REPORT OF COMMITTEE ON RESOLUTIONS.

In this era of widespread reforms, embracing almost every interest touching government either in state or national domain, it is particularly a source of satisfaction to the membership of the National Prison Association to note the substantial advances made and held by legislative statutes, and administrative regulations in pursuance thereof, for the reforms in criminology and penology which have for so many years received so much of inspiration from the efforts of this membership. The Cossack of political party has been substantially unhorsed in prison management. The humanities, without which reformation would hardly have standing room, are very largely a portion of the curriculum of administrative methods. Reformatories for youthful offenders, with the school master and the trade school supplemented by a religious, moral and educational environment, are giving back to the State and society a substantial majority of those incarcerated as criminals, to lives of the highest dividend paying citizenship; statutes are segregating confirmed criminals and wisely prescribing much larger terms as convictions multiply, and imposing life sentences as the sequel for persistent crime. Schools of crime such as formerly were so universal in the mistaken policy of jail and workhouse management, are being gradually dissolved as experience and statistics so conspicuously prove the monstrous wrongs in the indiscriminate associations of persons committed to prison custody, while the deadly unsanitary conditions are more and more a matter of public condemnation

and municipal improvement. The juvenile court and the probation officer are taking the child offenders by the hand, and in the exercise of a practical supervision, leading them to higher ideals and implanting the basic principles of honest and successful lives. Approved business methods generally prevail, so that scandal and malfeasance are rarely a taint upon prison management.

This Association, charged with the responsibilities of so far-reaching a character, and in the exercise of the practical duties of this work, realizes that much can yet be attained as the advanced methods of practical reform are allowed to demonstrate their success by incorporation into the statutory, sanitary and administrative features of the work yet to be accomplished.

The thanks of this Association are extended to the management of the Chicago University for the delightful day experienced in the session held in that great educational institution, through the courtesy of its kindness. Thanks are extended to the official management for duty well done and for the successful arrangements contributing to the enjoyment of this meeting, and to the local committee for their efforts towards the comfort and pleasure of the Congress.

(Signed)

W. H. HART,  
JOHN M. GLENN,  
J. L. SUTTON,  
Committee.

On motion of Secretary Butler, the thanks of the Association were extended specifically to President Murphy, Mr. G. de Forest Kinney and Dr. Charles R. Henderson, on whom, Mr. Butler said, had fallen the burden of preparation for the meeting.

The following resolution was also adopted :

RESOLVED, That the National Prison Association congratulates the country upon the establishment, under control of the Department of Justice, of a Central Bureau of Criminal Records and Identification for United States prisoners and the exchange of such records with State institutions as authorized by recent Act of Congress, a measure which this Association has advocated

for many years. This Bureau, as it is enlarged and developed, will prove to be of more and more benefit to the general public, and at the same time will aid every prisoner who is willing to lead an honest life after his release, by protecting his past record from improper publicity and himself from blackmail. We commend its use to all prison and peace officers.

The thanks of all friends of law and order are due to the Department of Justice for recommending, and the Congress for enacting, this excellent measure.

President Murphy next introduced Mr. W. H. Whittaker, superintendent of the Indiana Reformatory, Jeffersonville. Mr. Whittaker presided over the balance of the session as chairman of the Committee on Preventive and Reformatory Work. The report of the committee follows:

## PREVENTIVE AND REFORMATORY WORK.

### REPORT OF THE COMMITTEE.

W. H. WHITTAKER, JEFFERSONVILLE, IND., CHAIRMAN.

Students of penology are constantly asking themselves these questions: What is the cause of crime? What methods can be employed to lessen the number of criminals?

Your committee has had these questions under consideration for the past year, but it is not in position to throw very much new light upon them. The people are anxious that something be done. Social workers and reformatory and prison people are constantly experimenting and offering new ideas for the betterment of the weak and unfortunate classes, but the results are meagre. There is in our social life somewhere a most serious defect that should be corrected. No evil can be eliminated unless the cause can be found and the root destroyed.

The first thought suggested by the title of this committee is "prevention." What is it? In our opinion there is nothing more important to society than the enforcement of laws that will prevent the commitment of normal subjects to a reformatory or

penal institution. Our citizens must awaken to the responsibility that is now upon their shoulders and see that we have honest enforcement of all laws, and that every normal child is given a common school education. Society can take care of these problems; and, until it does, statistics of our reformatory and penal institutions will continue to tell the same story, namely:

- 70 per cent. of all criminals come from defective homes;
- 20 per cent. are children of separated but living parents;
- 10 per cent. are complete orphans;
- 75 per cent. have used intoxicating liquors;
- 15 per cent. can neither read nor write;
- 55 per cent. have been schooled not farther than the fourth grade;
- 1 out of 1,000 is a high school graduate.

It is not possible to make good citizens of all our delinquents, but with the proper enforcement of law and proper juvenile supervision, fifty per cent. of them would be self-supporting and not a menace to society. If we sit idly by and permit the saloons and their influence to have full sway; if we continue to permit our courts to follow the practice of allowing thieves, thugs and cut-throats to be released upon bond, and through technicalities to go free; if through the influence of unscrupulous attorneys murderers, highwaymen and petty thieves are dismissed in court without so much as a trial—so long as these conditions are allowed to exist, so long will law be a mockery and so long will it be impossible for our legislatures to levy enough taxes or build prisons and insane asylums large enough to hold the men and women educated in crime through such loose and dishonest methods.

Our criminal code should be revised. The present system of fees in the defense and prosecution of the criminal classes is wrong. A wealthy citizen who commits crime should not be permitted to pay a dollar more for his defense before the criminal court than the State pays in defending a man who has no financial backing or means of defense. In our judgment our legislatures and the Federal government would do well to consider this question. If we have the right by law to regulate the great corporations of this country to the point of fixing a minimum and

maximum scale of charges in transacting their business, we should certainly have the right to regulate the fees and expenses in the prosecution and defense of all cases that come before our criminal courts.

How much there is to accomplish in preventive measures! It is our duty to study causes as well as symptoms, and to consider individuals more than classes, in order to improve conditions and change the environment of our defectives. It must be our duty to look carefully after the wayward and delinquent subject in order to save him before the stain of a prison sentence has been placed upon him. The greatest aim in our life work must be prevention.

With our juvenile courts, probation officers and numerous other organizations, it would appear that the people are providing the necessary machinery to care properly for every child that needs attention of either a public or private nature. But the trouble is that many who accept appointments which require close application to duty, are not performing their work as they should. And just to the extent that such officers neglect their duty, we fail in our work of prevention.

It is essential that those who are entrusted with the duty of handling the neglected boy or girl before he or she is sent to our courts or institutions, should be men and women of sympathy, and not those who believe that the way to make a record as an officer is to make the greatest number of arrests each year. Officers who are charged with the responsible duty of preserving order should be broad-minded, Christian men, who in reprimanding half-innocent boys or girls will bear in mind how much better it is to lend a helping hand to keep them from the paths of vice and sin, than to accost them in such a manner as to make them feel that the strong arm of the State is against them.

We believe, therefore, that the whole question of the work of prevention and the saving of boys and girls from lives detrimental to good citizenship rests with the officers whose duty it is to enforce all laws promptly and fairly. Such an enforcement of law as we have in mind means that every business evil known to contribute to the downfall of a child must be wiped out. This

includes the saloon, the slot machine, the cheap theater, the cigarette, the gambling hall and the wine room. Then, with our public school system, juvenile courts, probation officers, boards of children's guardians and charity workers, both public and private, doing their whole duty, few of the rising generation who are capable of being directed into good citizenship will be lost.

The crime centers of the country are geographically the same as the places showing the greatest per cent. of ruined children. With the very best that can be done by the various agencies organized to prevent crime and to save the lives of wayward children, a certain per cent. will slip through the meshes and be sent to our reformatories and prisons—not so much for punishment as for reformation.

In discussing the question of reformation, the committee does not want to be put in the position of saying that it is not in favor of punishment for crime. But punishment does not mean that the prisoner shall be mistreated through shaving of the head, unsanitary sleeping quarters, insufficient food, and such treatment as appeals only to his animal nature. We advocate those things which will appeal to the finer qualities that can be found in the breast of every man. If uneducated, he should be sent to school; if he has no trade, he should be taught one; in fact, he must be given that instruction and attention by the State, after he is convicted, that was due him when a child from those whose duty it was to train him into a law-abiding and useful citizen. There is no punishment so great as the loss of liberty. Therefore the only punishment that should be thought of in our reformatories is confinement for such time as it takes to cure the law violator of his evil tendencies.

The method used for the reformation of individuals in our institutions is, after all, nothing more than the personality of the officers, teachers and instructors brought to bear upon the inmate. The personality of the officer is always the governing factor in reform. The greatest good is accomplished when the highest standard of morals is practiced by the officials of the institution. Without an honest purpose and a sincere effort upon the part of every employe of a reformatory or penal institution, only a small per cent. of the men will be reformed.



The institutions of this country are not accomplishing the good that they should for the reason that our legislatures are too niggardly with their appropriations for administrative purposes. The average pay of instructors in reformatories and prisons is not over twenty cents per hour, while common labor is paid from forty to sixty cents per hour. Officers in these institutions should be of the highest class and we should pay wages that would command the services of this class. There is not a warden or superintendent who will not agree with us that ninety per cent. of the reports and punishments recorded in our reformatories and penal institutions come from the fact that we are compelled, for the want of proper appropriations, to appoint men who have not sufficient education and training to discipline an unruly boy properly. Place two men together, one an officer, the other a prisoner, both without education or refinement, and it is only a question of time until there is trouble of a severe sort. When our official families can be selected because of their fitness for the work to be performed and without any reference to their political affiliation, we can then give our thoughts to systems and methods for the improvement of the delinquents sent to us.

These methods should be along lines that will bring prominently to the minds of the inmates the fact that their reformation depends upon themselves. They should be given to understand that the managers, from the Board of Trustees to the least officer of the institution, are their friends and advisors, and that if they are not benefited by their stay in the institution and are not paroled, it will be their fault alone. A prisoner cannot be impressed with the fact that the officers have his welfare at heart unless they do their best to give him a "square deal." And without high-class officers the "square deal" is too often lost sight of.

We believe the system that will most impress itself upon the prisoner is one that will show to him that if he applies himself honestly to the rules and regulations of the institution, he will be benefited physically, mentally and morally. This can be brought about only by a system which includes a school of letters, trades-schools and moral instruction.

The school of letters should be presided over by an educator who ranks with the best in the State. He should be given a corps of teachers (free men) with capacity to carry forward successfully such plans as are mapped out by the management. With such an organization it will be only a short time until the illiterates will begin to write letters to their friends, calling attention to the advancement they are making in their school work. Those who have never before known the advantages of a school and a friendly teacher will soon begin to call for books from the library so that they may spend profitably their evenings in the cell. What must be the feeling and attitude of such boys toward the management and the State? We who have had experience find that in almost every case they take a different view of life and begin to believe that there is something worth living for. And it is not an unusual thing to have a boy say he does not want to be paroled, but prefers to stay in the institution to finish his school work.

In addition to the school of letters, we should provide work shops, where the most practical trades can be taught. These shops should be in charge of competent tradesmen who have the ability and personality to instruct the men in the trade to which they have been assigned. Every article that is manufactured should be made for the market and sold. To our mind it is demoralizing to have a man spend time upon something that is to be of no use either to himself or to the public. Working at some practical trade, the man certainly will have in mind the benefit to be derived from close application and study, and will realize from day to day that he is fitting himself for some useful place in the world.

To accomplish the very best results we believe that the man should be kept in close touch with the management and should be informed from month to month as to his standing in his deportment, his school work and his work in the shop. Hence he should be graded each day upon the following points: conduct, industry, progress, skill. These records should be kept faithfully and carefully by the officers and instructors. The boy should be given to understand that, if his general average for a

given period is not seventy-five per cent. or above, the Board will not consider him for parole.

With this system we throw upon the inmate the responsibility of working out his release from the institution. We believe that the farther we get away from the old prison methods of discipline, such as the shaved head, stripes, or different colored suits for the purpose of representing the grades of prisoners, the better will be the results. No permanent good was ever accomplished by humiliating a prisoner; on the contrary, his animal nature was appealed to and its only tendency was to make him an enemy of law and order and a disturber among men.

Every inmate of an institution should be given more than one chance before he is reduced in grade. He should always be made to feel that the management is willing to meet him more than half way, so that if the time ever comes to give him the limit of discipline he must admit that the bed in which he sleeps is of his own making. There is nothing to which a human being is so susceptible as what is known as a "square deal." Give him this along with proper physical, educational, manual, moral and spiritual training, and ninety per cent. of all normal prisoners will be returned to society reformed men.

We believe Christian training is too often lost sight of in the penal institutions of our country. If religion is needed on the outside of the walls (and we are all of the opinion that it is), there certainly can be no question as to the good it will do the inmates of a prison or reformatory. The highest grade man it is possible for us to employ should be placed in charge as moral instructor. No suggestion should come from him as to discipline. His entire time and attention should be devoted to the moral and spiritual welfare of the prisoners, by holding personal interviews with them and by planning interesting and instructive services each Sunday. He should conduct a Bible class and Sunday-school, and should give the inmates every opportunity to affiliate with such church as they wish, accommodating them with whatever form of baptism they may desire.

With a school of letters and trades-schools established, with moral instruction and an atmosphere of helpfulness permeating

the entire institution, it next becomes necessary for the management to decide how long an inmate under these conditions shall remain in the institution, and after being paroled how long he shall report before being discharged. This question, of course, can only be considered where we have the indeterminate sentence and parole law.

In this connection, Mr. C. W. Bowron, superintendent of the Wisconsin Reformatory, said in a recent letter: "I once had a talk with Bishop Fallows, who stated that he believed in short sentences and the policy of keeping boys in a reformatory as short a time as possible. My limited experience has been to the contrary, and I have found that while not all boys kept a long time, or to their maximums, were reformed, the best results among boys who were tractable and reformable were noticeable in those who remained here the longest—even beyond the point where I might have paroled them with perfect justification.

"I am beginning to be of the opinion that to send a boy to a reformatory for a year or so is of very little help to the ordinary first offender; that he simply spends his time at what he calls 'doing time,' without any incentive or ambition to take hold of any subject or adapt himself to any particular occupation, and that it is only by long and rigid discipline that any permanent effect can be produced upon his general habits and nature.

"There is also an element of the subject to which I might refer as the 'mechanical process' of paroling inmates, which I am disposed to think is much in vogue in reformatories; that is to say, so much imprisonment added to so much good record brings parole without much regard to the general nature and requirements of the individual, his home surroundings and other features that are as essential in the consideration of the subject as the mere matter of escaping the formal reports of keepers for breach of rules. The public sometimes thinks that because a boy's conduct is fairly good, he should be paroled without regard to any other consideration, and this idea is passed up to the Governor and members of the Board by importuning friends and attorneys and made the basis of much contention in the efforts of friends to secure the release of inmates. Now the question is

whether this position is tenable and whether we should grind out boys on the mechanical plan as we would grind out so many links of sausage, with the sole object of disposing of the subject in the easiest way, or holding to our best judgment in regard to the nature, disposition and acquired habits of the individual.

"Next comes the question of how soon after release on parole an inmate should be finally discharged. I notice that in some institutions six months' probation is sufficient to secure the final discharge. I know, and probably you know, of many instances where boys have kept their parole for twice that length of time, just as they keep their record good on the inside, by simply holding themselves back just long enough to secure their final release, with the studied purpose and intention of breaking away and returning to their old habits the moment they are no longer under the surveillance of the State."

We quite agree with Mr. Bowron that short sentences do not bring about satisfactory results. A boy enters our public schools at the age of six or seven years, and it requires from eight to ten years of close application to his books and forms of physical culture, with the best home influence, to fit him for useful citizenship. Boys who come to our reformatory institutions, sixteen, twenty or twenty-five years old, as a rule, are little better equipped mentally and morally for filling in the niches in the business world that were intended for them, than is the boy who enters our public schools at seven years of age.

If it requires ten years for a boy whose character has not been warped by heredity or bad environment, to grow strength of character and develop into a man capable of making his own way in the world, certainly it will take more than six months or a year to reform the character, to develop the stagnant brain, to straighten out the crooked body of the unfortunate boy who comes to us. From our experience we know that there is not one boy in ten who, during the time of his minimum sentence, thinks seriously of changing his ways. Scores of them never realize their punishment, or what the real purpose of the institution is until after the minimum sentence has been served and they are returned to their work by the Board with no idea as to when

their parole will again be considered. We are convinced that the average sentence of these boys should be four or five instead of one or two years. Then with such a system of education, industry and moral instruction as has been outlined, we will make good citizens out of ninety per cent. of all normal boys sent to our reformatories.

It must be remembered that only fifty per cent. of the boys now sent to our reformatory institutions are normal and subject to reformation. Therefore, statistics that show that seventy-five or eighty per cent. of all prisoners paroled return to society useful citizens are incorrect and misleading. Our experience teaches us that not to exceed forty-five to fifty per cent. of those released on parole have the necessary strength of character and manhood to maintain themselves as good citizens. The other fifty per cent. are defective and can never be reconstructed and made fit men for the duties of American citizenship. It is a question whether these individuals should ever be sent to a penal institution to bring disgrace upon their families and upon the communities from whence they were sent.

This, then, brings us to the question of the imperfect classification of our dependent subjects. Some States are attempting to classify these persons by statute, fixing the ages at which boys and men shall be sent to the reformatory, or to the State prison, with a provision for transferring from the reformatory to the State prison those who cannot be reformed. This is not at all satisfactory, for the reason that those who have the power to authorize such transfers are not in close touch with the inmates, therefore are not able to determine who should be transferred or to judge the length of time such individuals should remain in the institutions.

It would be far more satisfactory to provide a detention institution for the classification of criminals. With such an institution under proper management, and a law compelling the courts to commit all persons convicted of crime to it, there to remain until it can be determined whether they should be transferred to a Boys' School, Reformatory, State Prison, Epileptic Village or Insane Hospital, or to remain in the detention institution be-

cause of defects which make it impossible for them ever to be made into good citizens, we will then have reached a more scientific standard and society will have come nearer doing its duty toward criminals.

Criticism comes from some quarters against the indeterminate sentence and parole law. Your committee does not care to discuss this question, as it has already been handled at this session. We wish to add, however, that there is no part of our criminal code so helpful to the work of reform as a wisely enforced indeterminate sentence and parole law. It is the object of this law to protect society from men who are believed to be hopeless criminals, and to parole such inmates as we believe, after a reasonable trial within the institution, can be returned to society cured of their criminal tendencies.

We must bear in mind that the purpose of the indeterminate sentence is to give the management an indefinite time to study a boy and to make up its mind as to whether he can safely be paroled. Just as soon as we can so decide, it is our duty to grant him his parole; but, if in the judgment of the management the prisoner is a criminal, then the purpose of the law is to retain him in the institution for his maximum sentence. We further believe that the ideal indeterminate sentence law is one without minimum or maximum time, and that when an individual is convicted of crime, he should be sent to an institution just as an insane person is sent to a hospital, to remain until cured; and we hope that the time is not far distant when the people through their legislatures will take this view and have our laws so amended.

In conclusion, your committee desires to express its approval of a law enacted by the legislature of Indiana, in 1907, providing for sterilization of confirmed criminals, idiots, imbeciles and rapists. So long as our laws do not authorize life imprisonment for such of our citizens as are not fit to propagate their kind, we believe this method of treatment to be the most satisfactory. As we said early in this report, there is somewhere in our social life a most serious defect that should be corrected. There is no evil of any kind that can be eliminated unless the cause can be found and the root destroyed.

Following the report of the committee, papers were read by Mrs. Emma O'Sullivan, superintendent of the Andrew Mercer Reformatory for Women, Toronto, Canada, and J. H. Haager, Chief of Police, Louisville, Ky.

### SOME DIFFICULTIES IN REFORMATORY WORK AMONG WOMEN.

MRS. EMMA O'SULLIVAN, TORONTO, ONT.

I have designedly limited the scope of this paper by adding the words "among women." Such obstacles and trials in reformatory work as are common to institutions for men and institutions for women have been ably treated and discussed from every point of view in the different sessions of this Prison Congress, and I can add nothing new. But as Dr. Katharine Bement Davis, superintendent of the Bedford Reformatory, N. Y., has intimated on a previous occasion, there are difficulties peculiar to the work among women that the general public does not seem to understand. She has clearly explained why, after a woman has left the reformatory, she has to face conditions which no man has to face. She is a social outcast and she knows it; there is but little practical sympathy for her; the friends are few to help; on all sides, even where she should find allies, enemies besiege her; and there is always a traitor within—her own weakness.

If a woman entering a reformatory has not entirely lost her self-respect, if there even remain the dread of public exposure and shame, the appeal to her of reformatory agencies will not be unheeded; but here at the very beginning of our work comes the most formidable difficulty. The different stages through which the woman has passed from the commission of the offense till she reaches the reformatory—the police court and the gaol—seem designed to tear from her the last shred of self-respect. On one occasion there was a necessity for my presence in our police court in Toronto. A seat was given me in the Crown Attorney's office adjoining the court room, and only when that case in which I



was interested came up was I invited to enter the court. I saw the habitués of the court—the rowdy element of the city; I heard the voices from the motley crowd interrupting, deriding, exciting prisoner and witnesses, in spite of the admonitions of the court. There was abundant evidence, to quote Warden Haddox, that their notions of the majesty of the law were not of the highest character. I came away with an understanding of some of the reasons for the absolute loss of self-respect, the bold, defiant air of the women received into the reformatory, and incidentally appreciated the consideration which suggested for me some other place of waiting than the court room.

Why is it there cannot be some privacy in the hearing of cases against women? It was with great satisfaction that I heard Mrs. Tuttle state, at the Congress held in Louisville, that in the city of Boston women who are arrested within the city limits are taken directly to the House of Detention or city prison for women, from which they are sent directly to court, and tried in a session separate from that used for men. She very properly adds: "We consider this to be a long step in the right direction." This was four years ago. I am not aware whether other cities of the Union have followed this example, but I know in Canada we have not, and yet how simple it would seem to arrange for such consideration of the cases against women in the police court, whether the offense be drunkenness, vagrancy, theft, prostitution, or the other so-called misdemeanors which condemn to confinement in a reformatory.

Allied to the publicity of the sessions of the police court are the offensive, flippant reports of the proceedings in the newspapers. Bad as this is for a man—I speak with knowledge—it is worse for a woman. Deplorable, surely, is that humor which is based upon the misfortunes of others, but to make the crimes and punishments of a woman a matter of jest not only belittles the administration of justice, but makes the enormity of the offense consist in being found out. There is hardly a newspaper that is not culpable. If an unfortunate sees her fall and her punishment equally a source of amusement to society, what possibility is there of her observing the laws and respecting the

discipline of the same society? Need I illustrate this? There was to me a very pathetic example of the mastery of drink in the case of a young woman committed to the Reformatory. Her sister—a capable forewoman in a large wholesale manufacturing establishment—came regularly to visit her during her detention there. The victim of drunkenness was honest and faithful in her work and a docile prisoner. The disgrace of her imprisonment finally drove her sister out of Canada. In a recent newspaper I read of her in this style:

“In the Police Court this morning J—— S—— was given the option of paying a fine of \$10 and costs, or going to the Mercer Reformatory for six months. As Johanna could not produce the coin, she will reappear in society sometime during the Christmas holidays. Magistrate Denison was of the opinion that Johanna is a booze artist. On Saturday the lady denied that she was drunk, and was arraigned on the same charge this morning. In the meantime Johanna will recuperate.”

Who that thinks can be patient with such buffoonery—such frivolous treatment of the daily chronicle of sin? Dr. Charlton Lewis' words ring in my ears: “We are dealing, not with acts, but with actors; not with deeds, but with men; not with abstractions, but with human hearts, minds and lives.”

Eugene Smith has said: “It is within the past twenty years that crime has come to be treated as a leading staple of news. As the extension of telegraph and telephone wires has brought all parts of the continent into close and instantaneous communication, the vendors of news have eagerly gathered from every quarter detailed accounts of crimes committed.” . . . . “Some newspapers of the lowest type but of the widest circulation among the masses, give such prominence and embellishment to their criminal reports that an indiscriminating reader might be led to infer that crime is the leading interest and industry of the country. But all, even the most reputable newspapers, devote a very considerable portion of their space to the reports of crime.”

Yet another difficulty, which is given by the women concerned the harsher name of injustice. I speak, of course, with

knowledge of the practice in the Province of Ontario only. A disorderly house, or a house of ill-fame, is raided; the inmates are sent by the magistrate to the Reformatory; the keeper, not always, but too often, is given the option of a fine, or confinement in the Reformatory, while the male frequenters are either acquitted on account of insufficient evidence or given the lightest of sentences. Discrimination is certainly not in favor of the poor, weak tool. Again, in the case of drunkenness: this is very often in women the consequence or the cause of prostitution, yet the option of a fine from a dollar and costs upwards is usually given. I have a case in point where, after a sentence of this sort, the woman had hardly reached the gaol before a companion in debauchery arrived to pay her fine. There may have been sentenced at the same time what we call a "decent drunk," who, without means and as yet uncontaminated by immorality, remains to work out her sentence, and to puzzle over the stubborn fact of the release of the immoral fellow-prisoner.

Lastly comes the difficulty of placing in helpful employment and in suitable environment the discharged woman prisoner. The stigma of the prison is on her as it never is on a man. The larger percentage of the inmates of our reformatories for women have been immoral. The world knows how almost impossible, humanly speaking, it is to reform a drinking or dissolute woman—the finer the vessel the more disastrous a fall—and who will undertake the task of guiding her over the pathway narrower and straighter than that of her who has never been imprisoned? We read many glowing accounts of the successful agencies with men, but the more difficult vocation of saving women has few followers, few enthusiasts.

Father Fish has said, speaking of convicts generally: "I feel that a discharged convict to be reformed must be taken and kept well in hand. There must be some person in whom he can have confidence of such strength that it will lead him to submit to imposed restraints"; and, again: "The lack of success in reclaiming ex-convicts that so often attends the efforts of organizations and individuals I attribute in a great measure to the absence of distinct and determined influence—of personal in-

fluence from individual upon individual." How much more strongly does all this apply to women. For myself I think no woman should be discharged except upon parole, and under a supervision that as yet does not exist in Canada; and the man who would tempt her weakness should be guilty of a punishable offense. Too often has it occurred in my experience that a girl placed in domestic service (almost the only sphere open to our women) has to run the daily gauntlet of improper proposals from the porters and messengers bringing the house supplies. With the kindest and most sympathetic of mistresses, this danger from the outside must be faced. How can we protect the weak sufferer? What need there is of courageous, optimistic volunteers for this work!

To sum up, I would ask for a discussion of:

1st. Separate sessions of the police courts for the trial of women offenders.

2d. Less newspaper publicity, and elimination of the flippant reports of police court proceedings.

3d. A revision of the present system of sentencing the keepers of houses of ill-fame, their inmates and frequenters, and of female drunks.

4th. The better protection and care of the discharged female prisoner.

## THE INDETERMINATE SENTENCE AND PAROLE LAW FROM THE VIEWPOINT OF THE POLICE DEPARTMENT.

J. H. HAAGER, LOUISVILLE, KY.

Coming as I do from a State in which the law provides for a fixed sentence for all men convicted of crime, and being in close touch with two progressive States that have the indeterminate sentence and parole law, I have had a chance to see the practical workings of both systems.

There is no question that under the old law of fixed sentences a very great injustice is often done in the inequality of the sentence given by the court or jury. Under the law of fixed sen-

tences a man or boy arrested and convicted for the first time, without friends or money, will often appear in court, plead guilty and get a long term in prison; while the professional criminal, for the same offense, who in all probability belongs to a "gang" who will furnish the necessary funds for attorney fees, will be acquitted, or, if not, will receive but a light sentence. The indeterminate sentence and parole law does away with such proceedings as these by placing in the hands of the court and jury merely the responsibility of finding the prisoner guilty, the law fixing the penalty.

The question of the prisoner's release before the maximum of his sentence expires depends upon himself. The parole law and the rules of the Parole Boards provide that every means possible shall be employed to find out the previous history of the prisoner. If they find that it is the man's first conviction and that he had a fairly good reputation in the community from which he was sentenced, and if he has made a perfect record for one year in the institution, they will parole him. But if upon investigation they find that he belongs to the class of professional criminals, it matters not if his record is clear in the institution, he will not be paroled but will be compelled to remain in the institution the most if not all of his maximum sentence.

If judiciously and fairly administered by Boards of Parole who will not permit political pulls or other strong influences to warp their judgment, there can be no question as to the merits of the indeterminate sentence and parole law.

Complaint has been made by some police officers against the reform method of releasing men upon parole in that no notification of the parole is ever sent to the police of the community where the prisoner has found employment. It seems to me that such an objection is not well taken. If the same man had been serving under a fixed sentence, he would have been released at the end of his time with the privilege of going where he pleased. The paroled inmate, however, is under the constant supervision of the institution from which he was paroled, and with the first warning from his employer that he is not conducting him-

self as he should, an officer is sent to reprimand him or return him to the institution.

Again, from the records of states that operate under the indeterminate sentence and parole law I find that their rules provide that if a prisoner is convicted and sentenced for the first time, his parole is considered by the management at the end of his minimum time of one or two years; if it is the prisoner's second conviction he must remain one year beyond his minimum sentence before his case will be considered, and if the third conviction, three years before he can come before the Board to ask for a parole. This rule corrects the impression that is held by most police officers that a confirmed criminal, by making a good record during his minimum sentence, is released.

Further investigation shows that in our neighboring State of Indiana, instead of prisoners serving an average sentence of one year and nine months under the old law of fixed sentences, they are now serving an average sentence of almost three years, and that confirmed criminals are serving most of their maximum sentences. The justice of this can readily be seen even by one who has not had actual experience in such work.

Another very important feature of the law is that of finding employment for the paroled prisoner and the close supervision that is kept over him for one year or more after he is paroled. With these methods he is kept from his old associates, and that makes it much easier for him to lead an honest life.

The general superintendent of the Indiana Reformatory in his last annual report makes a very interesting statement with reference to the operation of the indeterminate sentence and parole law of his state. I quote as follows:

This law, after nine years, has proved its worth by turning out to society hundreds of young men with a better education than they before possessed, and with a trade in hand, to materially aid them in regaining their position of good citizenship among their fellowmen.

This law, by conservative management in the two institutions of the State, is also showing its worth by the smaller number of criminals that are being sentenced to prison now than ten years ago, which is evidence that the more wily violator of the law and the confirmed criminal are avoiding the State because of the longer sentences meted out at the present time to such culprits.

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Statistics on the question are as follows:

We find that in 1895 and 1896 1,635 men and boys were sentenced to prison in Indiana. In 1904 and 1905 we find 1,323 were sentenced, a difference of 312 in favor of the indeterminate sentence and parole law.

We find that under the old law, for the years 1895 and 1896, there were released upon society from the two State prisons 1,561 prisoners, while for the years 1904 and 1905 there were paroled and discharged from these two institutions but 1,106; in favor of the present law, 455. It is true the average daily count for the Reformatory for the year ending October 31, 1905, shows 229 more inmates cared for than for a like period ten years ago, and in the State Prison 35 more prisoners were cared for in the year ending October 31, 1905, than a like period ten years ago, or a total of 264 more criminals actually in prison October 31, 1905, than ten years before. The reason is not that crime is increasing, but that the managements of the two institutions are not turning loose upon society confirmed criminals as rapidly as was done under the old law.

#### DISCUSSION.

Charles F. Coffin, Illinois—I have listened with a great deal of interest to the paper of Mr. Whittaker, and approve fully of a large portion of it. I was for fourteen years chairman of the Board of Commissioners of the House of Refuge for Boys at Plainfield, Ind. (now the Indiana Boys' School), and my wife for about the same length of time was chairman of the Board of the Woman's Prison; so you see we have had some personal experience in these matters. I think the only point of conflict I would have with Mr. Whittaker is the use of terms. He calls "boys" what I would call "young men." The treatment of boys might be entirely different. There was a constant tendency to keep the boys in the House of Refuge too long. When they were turned out they came out institutional boys instead of natural boys. I am inclined to think the sooner they can be placed in good families the better.

Mr. Whittaker—In defense of my position I want to say I am talking about boys from sixteen to thirty years of age—boys that have been sifted by orphans' homes and other agencies, both public and private, until they are sixteen years old. In my opinion not one in ten should be released until he has had time

to change his entire character, and it is impossible to do that in one year.

A Delegate—Instead of sending boys to the reform school we should send them to the home of some one who will guarantee to care for them. There are plenty of families in the state who can take them. We are sending too many to the reform schools. We have such delightful institutions that we have no hesitancy in sending them there. The State should try to put these wayward boys into homes.

Rev. Francis A. Foy, New Jersey—There is no question but that the home life is the best for a boy or girl. However, those of us who have had some experience in this work know that it is very difficult to place a normal boy. It is much more difficult to find for an abnormal boy a home where he will receive the careful treatment that such a boy requires. Therefore, I think while the idea is good, it is impractical. I was much interested in the paper of the chairman. I think every feature of reformatory work was developed with the exception of one; that is, normal, healthful recreation. That is necessary in our general social life. It is recognized by the general public, I think especially by the city of Chicago. It is necessary for just what the committee strives for as outlined in this paper—the mental, physical and moral training of prisoners. I think it would be well for our institutions to take note of this fact, and I suggest that we have a paper upon that subject sometime, to see whether it cannot be incorporated into our methods of institutional work for those who need reforming.

Mrs. Katherine A. Haines, Ohio—I want to thank Mrs. O'Sullivan for the splendid paper she gave us and for her work among women. In traveling over the country I have found what she speaks of in her paper—that the work among women is laid aside in a great measure for the work among men. We have also found that in the institutions more attention is given to the work with men. On Sunday sometimes three services are given to the men, when the women attend only a general congregation of the prisoners. There are appalling conditions along this line



and I have come in personal contact with them. I think her paper is very timely. We should give special heed to what she said about the flippant statements made by newspapers. We are greatly indebted to Mr. Dawson, of St. Louis, for many reform measures in the St. Louis city jail along the line of woman's work there. He did a great work while in that institution.

E. W. St. Pierre, Oregon—I am especially interested in what has been said about a shorter term. I am interested as a parole officer and chaplain in the Oregon Reform School. Our experience has been that when a boy gets out of the reform school he is lost. He lacks initiative. He looks to other people for orders. We do not know how to remedy that. Some boys have been with us five or six years. They are like babies. They are obedient, but when they go out in the world they drift. What can we do to prevent the boys from losing the power of taking care of themselves?

Session adjourned.

## THURSDAY AFTERNOON SESSION.

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The meeting Thursday afternoon was called to order by the president at two o'clock. The first half hour was devoted to business. The report of the Committee on Organization was presented by its chairman, Mr. M. M. Mallary. This report will be found in full at the back of this volume. Attention was called to the fact that the organization for 1908 included a new committee, one to co-operate with the Conference on Uniform Legislation, a committee of the American Bar Association, which meets at Los Angeles in August, 1908. The report was unanimously adopted.

Mr. Mallary also reported the formation of a new organization as an auxiliary to the National Prison Association, to be known as the Association of Governing Boards of Penal, Reformatory and Preventive Institutions.

The Committee on Time and Place reported that Richmond, Virginia, had been selected as the place of meeting for the 1908 Congress, the time to be fixed by the executive committee and the Richmond local committee. The report was adopted.

The organization for 1908 of the three auxiliary organizations of wardens, chaplains and physicians, respectively, was read by General Secretary Butler. This accompanies the report of the Committee on Organization in the back of the volume.

President Murphy then introduced Mr. J. A. Leonard, superintendent of the Ohio State Reformatory and chairman of the Committee on Prison Discipline. Mr. Leonard read the following report:

## REPORT OF THE COMMITTEE ON PRISON DISCIPLINE.

J. A. LEONARD, MANSFIELD, OHIO.

A careful review of the publications of the National Prison Association reveals the fact that prison discipline has been a favorite theme of discussion. It would be difficult, if not impossible, to steer a course in this discussion that would avoid alike quotation and plagiarism. We shall, therefore, confine ourselves to a discussion of those aspects of prison discipline upon which least emphasis has heretofore been laid.

When the sacred writer said, "Man is born to trouble as the sparks fly upward," he was doubtless contemplating the fact that man, being a rational and social being, subject to all the obligations thus implied, must be essentially a creature of discipline and that his soul must chafe under the necessary process.

The poet says with truth and beauty that the child is "heir of all the ages." This heir, however, seen by Shakespeare as "a puling infant in the nurse's arms," does not possess in appreciable degree even the instincts and aptitude granted to the birds of the air or to the beasts of the field to direct him to his destiny. Nevertheless, infinite possibilities reside in the "puling infant," for the "immortal bard," contemplating him later when in full possession and enjoyment of the estate to which the poet had earlier declared him heir, was forced to exclaim: "What a piece of work is man! How noble in reason! How infinite in faculty! In form and moving, how express and admirable! In action, how like an angel! In apprehension, how like a god!"

How does man thus pass from the negative to the positive pole of his existence? This transformation is wrought by the process for which there has never been given a name sufficiently comprehensive and definite. It means all that is meant by education, training, and discipline. It suits our purpose to use the single term "discipline" to include all.

To discipline a human being is to regulate or modify his conduct as it affects other members of the social organism of

which he is a part. "Do unto others as you would have others do unto you," is an injunction fundamental to the welfare of society as well as to that of the individual. Were there no "others" involved, there would be no morals, no crime, no necessity for the disciplinary process under discussion.

The individual must sustain for better or for worse infinite and complex human relationships. Every person with whom he comes in contact is better or worse because of his conduct. The power to clearly conceive these social obligations and the strength of will manfully to discharge them is the highest test of individual worth. Such, only, are thoroughly qualified for self-government. It is a delicate balance upon which is poised the individual will and public opinion.

The character of the good citizen is the resultant of many factors, those dominating being the individual will and the public or social will as exercised by proper authority from parental to governmental. It is evident that the public will should be exercised first, and that in determining the character and destiny of the individual the public will must take the initiative. Nature has wisely provided for this. The child is born without will—absolutely helpless and dependent. This godlike power develops slowly in order that it may be trained and directed in its true relation of wholesome subjection to the social will and to the will of God. The poet has it right when he says:

Three roots bear up dominion. Knowledge, Will,

These twain are strong, but stronger yet the third,

Obedience. 'Tis the great tap root that, knit around the rock of duty, is not stirred.

Though heaven-loosed tempests spend their utmost skill.

Let society fail to discipline the individual, to train him to cheerful obedience to all proper authority, and it begets an egotist, fosters an anarchist, and develops a criminal.

It is well to remember, however, that were all individuals too yielding—too ready to merge their identity like drops of water—society would become a dead sea. If, on the other hand, were the individual too insistent, too self-assertive, too independ-

ent, sustaining only the relation of proximity, like grains of sand, society would become a Sahara—a poor choice between stagnation and desolation.

Why, then, not have a science of discipline to give us formulæ for the making of good citizens and the proper control of prison inmates? Truly, the winning of men from a liking or weakness for wrong-doing justifies the employment of the best scientific means and processes available. But the winning of men from bad to good, from good to better, or the best, cannot be reduced to a scientific process, but must ever remain a divine art that no man or group of men can hope fully to master.

Society as a whole has recognized that the discipline necessary to fit the individual to co-operate in social effort and for participation in social gains is a very complex process—a process continuous through life. The individual feels the hand of society upon him always. This hand is not imaginary, but real. Every finger is an agency divinely instituted or evolved from the experience and wisdom of the race. These agencies or institutions in our present civilization are fairly represented by the home, the church, the school, the press, and the street.

But what has this to do with prison discipline? We answer, "Everything." Prison discipline can be most profitably considered as a phase of the great problem of human discipline in general. Prison discipline is no more different from discipline in general than is prison tuberculosis distinct from the great white plague as seen in its world-wide ravages. One can no more speak discriminatingly of prison discipline as distinct from discipline as a whole than one can speak of prison morals as disassociated from morality in general.

Society having failed through its customary agencies to make good citizens of certain individuals, who have fallen below the standard of good conduct as imposed by society and expressed in law, finds it necessary to provide places where they may be immured. Hence the institutions known as prisons. The existence of prisons is justified on the grounds that the individuals in question are found unsafe, dangerous, and a menace to the welfare of society as a whole.

Crimes against society have been carefully classified, and the crime of each offender clearly specified when he is committed to prison. Those committed to prison might be roughly grouped in two classes: The first, and by far the smaller group, the hopelessly anti-social, or incurables; the other, and by far the larger group, are not essentially anti-social. The chain of common interest binding them to their fellowmen may be strong and sound with the exception of the one link, the parting of which separated them from their kind and deprived them of their freedom and the wholesome normal relations of life.

We have in mind by way of illustration a man committed to prison on the charge of manslaughter. He struck a fellow-workman in the heat of anger, causing his death. He seemed to feel more keenly the thought that he had taken a human life than he did his imprisonment. It was discovered that instead of being anti-social in his habit of thought, he was a well-read and intelligent, philosophical Christian socialist, and all information concerning him was to the effect that until the unhappy accident that caused his imprisonment he had been an admirable man in every relation of life.

This brings us immediately to what we consider the most serious defect of wide prevalence in the matter of prison discipline; namely, the deadly uniformity of treatment of inmates of the average prison without regard to their individual needs in the way of preparation for a return to citizenship. The life commitments being very few in number, they may be regarded as a negligible quantity.

It follows, therefore, that all men must be discharged from prison unchanged in character and worse for having been under abnormal conditions, or improved in character and prepared for higher usefulness because of their special training in the course of discipline. It would seem, then, that the highest function of any prison, regardless of its name or character, should be reformatory.

It is not our purpose to make unjust strictures on managers of prisons, as we realize that much of the difficulty rests back upon legislative enactment and persistent laws of custom, and it

is not within our power as practical administrators of prisons to work a complete remedy. Much may be done, however, of a remedial character.

Only limited progress in administering discipline to meet the individual needs is possible so long as the large number of men in the care of wardens and superintendents preclude the possibility of an intimate knowledge of each prisoner, but even under the most unfavorable circumstances something can be done.

It may be well to remember that in working out the problem of prison discipline, dependence upon rules of deadly uniformity, like too ready resort to force or favor, which Mr. Douglass Stewart describes as "cudgeling or coddling methods," is due to a want of resourcefulness. Such rules and methods constitute the first refuge of incapacity and weakness. Methods of discipline cannot be too frequently questioned.

For what purpose and to what end are our disciplinary measures taken? Safe custody, good order, economic administration and industrial efficiency are all necessary and desirable conditions never absent from good discipline, but these do not constitute in themselves the end sought by discipline, though they may be incidentally contributory. Were these the ends sought, they might be attained by either or a combination of the extreme methods of securing order, if not discipline, above referred to as "cudgeling or coddling."

All prison discipline, even the most conventional performances incident to routine, should aim to affect favorably the character of all concerned—the prisoner and his keeper as well—and there should be a quickened consciousness of this in the minds of both. To this end, all disciplinary measures regarded as questionable should be avoided. It is a serious error to suppose that methods and means of enforcing discipline that experience has discredited or public opinion condemned can be wisely and profitably employed in a prison.

The successful administration of so many prisons from which have been eliminated these questionable, though conventional and time-honored, methods of enforcing discipline should enable us to publish to the civilized world in the very near future that

in no prison is corporal punishment in any form inflicted; that the dungeon and dark cell are only traditions; that prison irons are kept merely as relics; that grotesque disfigurement in cut of hair or prison garb is no longer practiced. May we not announce, too, that these discredited methods have been superseded by effective common-sense methods, characterized by nothing calculated to destroy, distort, or demean the personality of the offender; that these better methods are in the nature of strong natural pressure that restrains, supports and sustains him until by process of substitution, self-respect, self-control, good motives and established habits do their perfect work.

The attitude of the officers of a prison toward the men in their custody does much to determine the moral value of prison discipline. Those charged with the care of prisoners should always remember that society in the enactment of laws has wisely demoted the prisoner and exalted the officer, and only harm can come from any intercourse or dealings officers and prisoners may have as peers. While officers should ever remember this, they should be even more careful never to forget that the prisoners in their charge are men and their fellowmen.

Prison discipline, as an agency for moral regeneration, cannot be successfully administered by men—be they trustees, wardens, or guards—whom the prisoners know to be morally unworthy. A wholesome moral atmosphere in any prison is fundamental to successful prison discipline. It should not be tainted by anything questionable in business methods or official appointments, or by the character or conduct of any person connected with the institution. The moral atmosphere of a prison should be so genial and warm with honest human sympathy as to be a balm for the hurt mind and a gentle stimulant to the dormant sensibilities of those at all responsive.

It should be at the same time so electric with manly, official vigor as to quicken into life the latent manliness that is supposed to sleep in the soul of even the worst criminal.

Such official bearing will receive no less reward than the Master's assurance: "Inasmuch as you have done it to the least (the weakest) of these, my brethren, you have done it unto Me."



The next paper, "Prison Discipline for Women," was written by Mrs. Annie M. Welshe, Matron of the Woman's Prison, Auburn, N. Y. In the absence of Mrs. Welshe, the paper was read by Mrs. Emma O'Sullivan, of Toronto, Canada.

### PRISON DISCIPLINE FOR WOMEN.

MRS. ANNIE M. WELSHE, AUBURN, N. Y.

No subject has been more widely discussed than that of prison discipline, and none has aroused more interest among prison officials and those who are concerned in the management of the criminal population of our country.

There is no question that has proven more baffling than that of dealing with those whom the hand of the law has put behind bars for the proper protection of society and for their own regeneration, morally, physically and spiritually. True, the question has been settled many times, and always to the satisfaction of the one who settles it—on paper—but these theories, for they are nothing else, when they come to be worked out in practice always fail in some important point.

Twenty years of practical prison experience has taught me that theory and sentiment have no place in prison discipline. No one who has not had personal experience in dealing with the inmates of penal institutions can understand the difficulties that beset the officials on every hand, and which baffle us again and again, no matter how long we may have been in this particular branch of service.

In dealing with this subject, the thing which has impressed itself upon my mind as being of prime importance is the selection of those who are to have charge of the unfortunates in prison. These under-officials are the ones who come in closest contact with the prisoner, and they are too often chosen carelessly, with no thought of the importance of the position. Indeed, the salary offered them is generally too small to get the class of women who will give the best service.

As my paper has to deal only with women prisoners, I will view the matter from their standpoint, and theirs only.

Women, to care for the women inmates of our prisons, should be strong physically, morally and mentally. Those with uncertain tempers, nerves easily set on edge, or who are weakened by any physical disability whatever, are not the ones we require. An alert, even-dispositioned woman, one who has perfect self-control, can get along with the women prisoners with less friction and fewer reports, and unconsciously sets them the best example. Too often the officer is not of this calibre, and she is as much to blame as the prisoner for the infractions of rules. As stated above the officers needed can not be hired for low wages, but is it not far better to pay them what they can command elsewhere than to have incompetent persons in this most important position?

The next thing to consider in dealing with women in prison is the rules by which their conduct should be ordered. These should be few in number, but they should be strictly enforced. Every rule should be written and given the woman the day she enters the prison. With each rule should also be written the punishment which the infraction of the rule incurs; and it should be firmly impressed upon each one that there are no exceptions; that as surely as night follows day, just so surely will punishment follow the breaking of a rule. And this method of dealing with the prisoners should be carried out to the letter. It is the exception to this rule on the part of the prison officials that often works havoc with the discipline of the prison.

One of the greatest mistakes that can be made is to excuse the first infraction of the rules. This is invariably done with the very best intentions, but it more often than not serves to weaken their influence, and causes the prisoner to think that what has been excused once will be excused the second time. There is always an awe of punishment that has never been undergone, and it is this dread that keeps the majority of prisoners in good behavior.

In no instance whatsoever should minor officials ever be allowed to threaten or order punishment. This should be the prerogative of the head of the prison, and should never be delegated by her to any one else.

Reward as well as punishment has its place in prison life, and a system by which a prisoner has some definite aim to be worked for, will prove valuable in keeping up the discipline. Almost any of us, indeed all of us work better when we have some reward in view, and knowing that punishment follows misconduct, and some definite good is to be gained by obedience, none but the most vicious will pursue an evil course.

The system of grades whereby a prisoner may work herself up from one grade to another with additional privileges in each grade, is a most successful one, the privileges being extra letters, permits to see friends, the buying of groceries, etc.

In the matter of punishments for the infraction of prison rules, they are as many and as varied as there are prisons. For the breaking of those which seem to be of the least consequence, loss of attendance at chapel service, or some such minor punishment is sufficient, while a second violation of the same rule should always result in more than double penalty.

For the more serious infractions of rules solitary confinement, with no means of employing mind or body, and with a limited diet, is generally found to be effective, but this should not be carried too far. Parents often try to break the will of a stubborn child, not realizing that what the child needs is to have its will conformed to the parent will—not broken. Just so it is with a prisoner—one with will broken is soon a fit subject for the insane asylum, while on the other hand one who has had the proper treatment and has been made to see that her own interest lies in conforming her will to that of her keepers, has made a great stride forward in her own regeneration.

The most practical method of punishment furnishes a special building for those in the lower grades, completely isolated from the rest of the prison population, where they can be under constant surveillance day and night. This punishment division or grade, should not belie its name, but should be that in reality. The privileges granted in other grades should all be withheld, and no inducements offered to keep the women in it.

A definite length of time, as a month or two or three as the gravity of the offense may call for, should always be stated

when a woman is put in this grade, with the promise that good behavior for that length of time will restore her to her former grade with its privileges. One important fact which is often overlooked, is that no reference should ever be made to a former punishment. When a woman has paid the penalty for her misconduct, the incident should never be alluded to, but should be treated as a sealed book.

A great mistake that is often made, and generally for want of officers, is putting a new prisoner in the same division as those who have been punished for misbehavior, and who are still working out their punishment. There is no influence in prison so harmful to a newcomer as that of a prisoner who has broken rules time and again, and who spends most of her time in the lowest grade.

Small divisions of inmates are more easily managed than large ones, and often better results are obtained by putting together those of about the same age—that is, those under thirty could be put in one company and those above that age in another. Of course this rule is subject to change according to circumstances.

It will easily be seen from the foregoing that the one real necessity for proper prison management, and for the best discipline, is trustworthy officers, and plenty of them. This is a fact not generally recognized.

There is seldom to be found (although this fact is not admitted by prison officials generally) loyalty on the part of the majority of the prisoners to the officers in charge. Too often they regard them as enemies to be bested at every stage of the game, and only out of a hundred will two or three be found among our officers, who can win the respect of those over whom they are placed.

Friendship between officer and prisoner can never result in any good to either one. No officer will report an inmate with whom she has been in any way familiar without being in danger of the one reported giving her away, and such conduct on the part of an officer is a menace to the discipline of any prison where she may be employed.

As in all matters pertaining to penal institutions this question of discipline is most easily worked out on paper, as I stated in the first part of this article. When we attempt to put our methods into practice, however, the difficulties become more apparent with the rising of each sun. In prison inmates must be dealt with as a whole, and also as individuals, and the question of how to accomplish this is one which every prison official has to solve herself, according to the light which she may possess.

People inside the walls are no different in many characteristics than their sisters and brothers who walk in God's free sunlight, and in either case demand humane, kindly treatment. Discipline behind bars, while it must be kept strict, still must consider this truth, and it is always wisdom to temper judgment with mercy.

Mr. John L. Whitman, superintendent of the Chicago House of Correction, was next introduced. He read the following paper:

### CORRECTIONAL DISCIPLINE.

JOHN L. WHITMAN, CHICAGO, ILL.

Discipline is the enforcement of the natural law of order and is essential in all vocations of life where men come in contact with each other. It begins in the home if the home is what it should be. The youth who disregards parental authority is laying the foundation for a criminal career, and the wise parent who recognizes this fact will immediately look for some means of applying a discipline that will prove, first, educational and then correctional.

The chief value of the family lies in what it does to make men and citizens out of its elements, the children. The government has essentially the same object as the family in training its children. Especially is this true in its relation to those who though adults are yet children in their imperfections and lack of wisdom. Chiefly because the family has not fulfilled its func-

tion to these children, the State must step in and complete the process.

This principle has long been recognized in the operation of the juvenile court, but the same object should be held in view in the discipline and training of adult delinquents and should be correctional in every sense. To be correctional, discipline should take into account the misdirected and undeveloped energies of each individual.

Expressive rather than repressive measures will awaken the dormant adult into the full grown man. In our penal institutions it will be found that a large per cent. of the inmates have never had the advantages of a home where the proper influences prevail, nor have they ever been subjected to an educational or correctional discipline such as builds up character. A comparatively small per cent. represents those who have been fortunate enough to have lived in that sort of environment, and then have apparently chosen the path that leads to a criminal career. So it is that the great majority of the population of our penal institutions are the ignorant who have fallen into criminal ways as a result of living the only kind of life they know anything at all about, and eventually for the good of the community the law imposes upon the state the burden of assuming the parentage of this class of people and enforcing upon them the discipline that will make of them good citizens. The parole system when properly carried out, exemplifies this idea, but it occurs to me that this could be done more easily if we looked forward to the time of parole from the first moment of imprisonment or even from the first moment that the delinquent is in the custody of the law.

I believe that in the breast of even the lowest there is a spark of manhood that human kindness and a christian spirit can kindle to a flame and thus arouse to action those higher impulses which bring one to a sense of his moral obligation to himself, his God and his fellow man. If this is true at all, it is worth the effort it will take to make this appeal to him, not alone for his own good, but for the good of the community into which the law must soon return him, either better or worse.

The question arises: Can prison discipline become correctional? The carrying out of the more modern ideas in the management of penal institutions seems to justify the introduction of methods that will appeal to the inmates individually or collectively and prove to be correctional.

Warden Hunter (now deceased) said at the National Prison Congress in 1904, "The prison which does not make men, whatever else it may make, has no valid reason for existing; but the prison which does make men, whatever else it fails to make, is fulfilling its function of returning the highest dividend to the state. In the morning of his imprisonment the prisoner stands before you exceedingly raw material. He is worse than raw material, for he has already been run through the factory of life and the product is so unsocial that he has been sent to you to remake."

My experience in dealing with criminal classes in confinement leads me to believe that the sort of discipline maintained entirely by the enforcement of official authority does no more than to preserve order. Bitter, vindictive feelings are engendered by a too rigid discipline and the least relaxation on the part of the officer brings about a condition that is most dangerous. In other words, enforce the strict letter of the law alone—imprison an offender, cage him as though he were a wild beast from the wilderness, keep constantly before him the enormity of his crime, or do any of those things that impress him with the idea that he is looked upon as a dangerous creature, of whom society must for all time be rid—and the result is that whatever ideas of repentance he may have entertained are changed to hatred and enmity of the laws and those who enforce them. He conceives the idea that society is committing a wrong against him, with the result that he ultimately returns to that society a hardened criminal, to wreak upon it a terrible vengeance. But enforce the true spirit of the law, treat him as a human being, appeal to his better nature, show him that he is not like a lost soul condemned for all time just because he has sinned; appeal to his honor, his pride, his manhood; impress him with the fact that the very society whose laws he has offended wants him

back in its folds as one of its protectors, benefitted by his imprisonment "a better and a nobler man";—do this and you return to society a new-born man with a desire in his heart to live an honest life.

Let no one give heed to the idea that kindness and an effort to awaken the better nature of the prisoner results in, or tends to bring about lax discipline. The idea is insulting to modern intelligence, for, on the contrary, they dispel the idea too often fixed in the mind of the prisoner that his keepers are his natural enemies; they dissipate the loathing he may have entertained for the law and its administrators and inspire him with the thought that his keepers are in reality his friends, doing a plain duty as kindly as it can be done. Even the prisoner will realize the necessity of the enforcement of the letter of the law, once he feels the enforcement of its true spirit.

If our penal institutions and jails fail to carry out the policies that would bring the most good to the community, it is for the reason that the administrators have assumed control of the undisciplined, the unsocialized and lawless and have not attempted to teach the inmates how to govern themselves when thrown upon their own resources. In fact, it seems to me that the discipline enforced in most cases has a tendency to make the criminal more dependent than ever upon others. He obeys the rules through fear of punishment, rather than with a desire to be benefitted by that discipline. The prisoner upon being admitted to a penal institution is shown a set of rules and told to read them carefully; that any infringement will mean certain punishment. In the majority of cases he gets the wrong impression; he chafes under the rigidity of the rules and has no idea that they are made for his good. He feels rather that they are for his punishment only, and he is constantly looking for an opportunity to violate them without detection. If he is taught anything at all by them, it is deception.

Discipline to be correctional, it seems to me, should be instructive and educational; instructive to a degree that would satisfy the prisoner that the law is not revengeful, but, in restraining him from his liberty, wants to point out to him his



weaknesses and to assist him in overcoming them; and educational to a degree that would teach him how to formulate rules to govern himself, so that he may become a useful member of society. Then he may be more apt to consider the rules laid before him as really for his good, and he will be led to co-operate with them. Such co-operation will teach him that sort of independence that will prepare him to take advantage of the assistance rendered him when parole is granted and the state undertakes to help him in his endeavor to adapt himself to the outside world and good citizenship. All men are under a certain amount of discipline. The more successful a man is the more he realizes the importance of the right sort of discipline. He has an ever-growing desire to be regulated by that which has proven to be a benefit to him in the past. The unsuccessful man is the one who has known no discipline. He does not know its importance and when, because of the lack of it, he is put under the ban of the law, it is irksome to him. But with knowledge of its benefits comes the desire that the successful man always entertains, and with that desire in him he can easily be made amenable to the rules.

The experience I have had during the last seventeen years in handling delinquent classes has taught me to believe that a prisoner should not, under any circumstances, be abused. He should be taught to respect himself and the law, and how to conduct himself to win the respect of others. Those things that destroy his manhood, that fasten the hang-dog look upon his face, that silence his tongue to such an extent that he almost forgets the sound of his own voice, should be stopped now and for all time. Such things kill love for his fellow men and instil in its place hatred toward all mankind, and this is true, no matter how just and merited his punishment may be. From the cell to the workhouse and from the workhouse to the cell and nothing more is not enough, for the prisoner ceases to be a man and becomes a machine, and in his estimation there is nothing left for him to do at the expiration of his sentence but follow in the footsteps of the past. But learn his weak points, and do what is necessary to strengthen his character so that he will

see the error of his ways; teach him to live a life of purity and of truth; teach him to be honest with himself in the little things of life, and much will be done toward proper character building.

It may be said that a penal institution is not the place for such policies to be carried out; that it is a place of punishment, not of instruction. Our good friend, Chaplain D. H. Tribou, of the U. S. Navy, has said that "A man is not sent to prison to be punished; he is punished by being sent to prison." If this is true, then to what better use can the institution be put than to make it a place of instruction, where correctional discipline will inspire a wholesome respect for the law?

I do not wish to divert one moment from the idea of labor for the prisoner. There can be nothing more essential to the healthy development of the mind or body than work, but in addition to the care given the physical being of the prisoner, a determined and intelligent effort to benefit him mentally and morally will prove to be a greater benefit to the community.

#### DISCUSSION.

Chaplain Steelman—At one time a man about whom I had serious doubts was selected to talk to our prisoners on Sunday. I had been brought up to think that Sunday was the one day when we should keep our faces straight. This man soon had the prisoners laughing. I do not suppose they have laughed so much in the history of their confinement, even when we have prepared entertainments on purpose to amuse them. I saw very little moral purpose in his stories, and some others who sat with me on the platform thought the same thing. When it was all over and I talked with some of the most sensible among the prisoners about it, they said, "That was the best thing that has happened to us." I said I could not see any moral purpose in his stories. Then one told me that when they became low-spirited and disheartened and were taking a pessimistic view of things, an opportunity to laugh at the right time and at the right thing was a great moral tonic, and I was glad when I saw the effect of the medicine.

Bishop Fallows—I fully agree with every point in the paper that was read. It is full of common sense; it is full of humanity; it is full of everything that ought to be considered by those having to do with the inmates of prisons, especially of reformatories. One superintendent tells me that I stated once that I believed in short sentences and the policy of keeping boys in the reformatory as short a time as possible. That is partly true. Until the juvenile court law went into effect a very large number of the boys admitted to our Reformatory ranged from ten years (and I think some were a little less than ten years) up to sixteen years. I am fully convinced that in the case of boys of tender years their time of detention in the reformatory should be just as short as possible, providing there are proper homes to which they may go. I did not have the older ones in mind when I made my statement regarding short sentences.

After various announcements were made, the meeting adjourned.

## THURSDAY EVENING SESSION.

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The closing session of the Congress was called to order by the president at 8 o'clock Thursday evening. The program consisted of short addresses by various members of the Association.

### REMARKS BY MAJOR R. W. MCCLAUGHRY.

It is the custom, I believe, in many conferences and conventions, for certain of the older brethren to be called on, at the closing session, to summarize what has been discussed and point out what has been gained by the addresses and discussions. This call has come to me, and as a loyal member of this Association I must endeavor to answer.

The president has kindly advised you that these remarks are expected to be entirely informal and extempore, and he has more than intimated that he expects them to be few, "per capita." You will, therefore, excuse further preface and permit me to ask what is the most important lesson that we have learned in this Congress? May I not safely answer that it is this: we comprehend more thoroughly than ever before the value of the individual life in the world, in society, and even in the prison or reformatory. The new desire, to preserve and better life, instead of destroying it, has taken hold on mankind to an extent never felt before, and they who are charged with the duty of dealing with those so-called enemies of society, the criminals, are recognizing its power as never before. "Old things have passed away," and "all things have become new" with regard to that idea. No prison officer now attempts to treat his prisoners exclusively "en masse."

"To warn, to counsel, to command," are the three duties especially laid upon the conscientious officer of today, and not the least of these is the duty of counsel. Nothing can take the place of individual effort with the offender whom we hope to lead into

better ways. The better we understand this and the more thoroughly we work on that line, the greater will be our success and the more lasting the good that we will accomplish.

I think we have learned another thing in our discussions here—especially those in the Wardens' Association—and that is the constantly increasing value of the all-observing eye—if I may call it by that name—in prison management. Gates of brass and cells of steel may fail, but it fails not. As it is the main element in security, so it is also the chief factor in discipline. It gives to rules and regulations their life and spirit, at the same time renders their enforcement easy and obedience to them an acceptable duty. It makes punishment an occasional incident instead of a daily practice. It permits no infraction of the rules to go unnoticed or without correction, but so administers correction that it does not often need to be followed by punishment. It causes obedience on the part of the prisoner to become a habit, with cheerfulness in the place of sullenness or doggedness, and thus, without any blare of trumpets, lays the foundation of genuine reformation. I believe we will all agree that in proportion as we have required of our subordinates and ourselves closer and more careful personal study of the physical condition, mental temperament and personal peculiarities of those under our care, in that proportion have we found the work of government easier and more attractive.

Another thing we have learned, I think, is to appreciate more thoroughly than ever before, the value of co-operation. Those of you who were present last night in the meeting of the wardens, and today in the general session, have not failed to notice the resolutions that were adopted with such unanimity, offered by our venerable and honored friend Capt. Edward S. Wright, whose skill, experience and devotion, as shown by thirty-three consecutive years of successful service as warden, make him the Gamaliel of this Association, and give him the right, if anything can give it, to offer such resolutions. These resolutions congratulate the Association and the country upon the final establishment by the U. S. Government of a Central Bureau of Criminal Record and Identification in connection with the Department

of Justice at Washington. To those of this Association who have labored in season, and out of season, since 1887 to secure the powerful aid of the Government in the protection of its citizens from the pirates and freebooters of society, this announcement comes with special significance. We can now see the day, not far ahead, when the man who makes crime his trade will find his accurate description and criminal history following him, like an avenging Nemesis, over sea and land until he shall be compelled to either give up his criminal courses or be himself obliterated. Hitherto we have fought our battles with crime at a great disadvantage, because we lacked central leadership, and frequently we interfered with each other in our advances; henceforward we will move in compact and well ordered columns, acting in entire harmony. This movement of the Government has placed us in better position to cope with crime than has been occupied by any people in the world's history. We can all well afford to avail ourselves of the advantages thus offered, and close our ranks for such an onward movement in the protection of society as the world has not yet witnessed.

These things have cheered us all the way through this great and splendid meeting—especially those of us who

\* \* \* in life's late afternoon  
Where cool and long the shadows grow,  
\* \* \* walk to meet the night, that soon  
Shall shape and shadow overflow.

And when, the other day, we were privileged to listen to Governor Hanly's impassioned utterance, in which he announced his thorough conversion to the doctrine of the indeterminate system and parole law, with wise probation, I felt like calling Wright, Brinkerhoff, Wines, Felton, Spalding and other "antediluvians" like myself, here present, to stand and join in singing,

"Mine eyes have seen the glory of the coming of the Lord."

I do not forget that there are battles yet to be fought, that there is much yet to be learned, that the great sentiment which has been aroused in favor of training the prisoner, while within the prison gates, for the freedom that is awaiting him, and ex-

tending over him, when he leaves the prison, the friendly, but firm care of the State, until he shall be safely fitted to his new conditions, is in danger of being diluted by unwise enthusiasm into sloppy and sickly sentimentality, which accepts mere profession instead of practice as full evidence of every prisoner's reformation, and demands his admission into places and responsibilities in which he will be sure to fail. This tendency, already appearing in some quarters, must be guarded against and battled with as earnestly as we have ever fought for higher and better methods in dealing with crime; yet we can thank God and take courage for what has been accomplished, and trust the common sense of the American people for the future.

Slowly, perhaps, but surely the day is coming, when that "good will among men" which was proclaimed and prophesied so long ago, will be understood by men and become the dominating spirit in all government, whether national, state or institutional. As we go from this Congress, in which we have been so greatly refreshed and strengthened, to take up again our several labors and responsibilities, let us go in full faith that this is so, and that our brilliant young Scollard was prophesying as well as preaching when he said in a recent poem:

Day of good will, speed thy coming!  
Justice and mercy increase!  
Love for the loveless, grow mighty!  
Hate for the hatefullest—cease!  
So shall man win his last battle,  
Led by the Christ, who is Peace.

## THE REAL AND THE IDEAL PRISON SYSTEM.

F. EMORY LYON, CHICAGO, ILL.

In speaking on this rather ambitious subject, I do not wish to emphasize the word "system" more than to say that where human beings are concerned, a perfect system would be a perfect failure. Whatever tends toward the ideal minimizes the system and emphasizes the individual.

No one can attend the annual sessions of this Association

without noting rapid progress in the advancement of prison reform. No one can visit the various prisons and reformatories from year to year, as I have done, without being assured that the highest ideals of reformation are rapidly becoming realities. Nevertheless it is not criticism to say that we have not yet reached perfection, for we remember the injunction, "If you are satisfied with your art, your education, your work, your religion, or the government under which you live, you are dying at the top and had better send for the undertaker." We are not satisfied because we are continually conceiving still higher ideals, and we will never be able to keep pace with the newer visions constantly coming to us.

Government is the ideal of order, held by all civilized people. As an incident of government, or the expression of the ideal of order, we have a prison system for those few who have attempted to ignore the ideal. As no ideal of government has ever been fully realized, so no highest hope for this incidental part of government has found fruition. Indeed, is it not largely because of the imperfections of human government that we have a prison system? Or is it rather that our prisons are populated chiefly by those who attempted to realize their ideals in illegitimate ways? In either case the future is not likely to abolish either government or prisons, so long as there is human frailty and imperfection. To say that ideal government should have no prisons is therefore hardly a legitimate ideal, since a real ideal must be approximately practical and not merely theoretical.

The sort of a prison system to be sought is not the visionary product of a dreamer. It is not likely to be of practical value unless it is the outcome of a collective ideal. It would be a mistake, however, to suppose that a consensus of opinion on a subject constitutes an ideal. On this subject, for example, it was long held, almost universally, that punishment must ever be the chief factor in a model prison system. But out of the failure of this method was born a real ideal of reformation. Just how far this ideal has been carried out and how far it has failed, is the real question now before us. We would still further raise the query as to whether this is not, after all, in itself a negative



ideal, effective in correcting abuses, with much, but not total success. Are we not now ready for a higher, more positive ideal of attainment and achievement? Should not the prison of the future be not only a reformatory, but a hospital and a school?

Great things have been accomplished toward the creation of a model prison system since 1773, when John Howard was the warden of the Bedford jail. Thanks to his great heart and fertile brain, a new standpoint was taken in reference to the treatment of the prisoner as a human being and not a monstrosity. So great were the abuses at that time, however, that for a century after only a beginning was made, so far as real results and conditions were concerned. Nevertheless, the new standard proclaimed by John Howard was sure to have its effect in changing prison buildings and prison discipline from savage to human conditions. Great things were done in the fifty years following this time, both in Europe and in our own country; so much indeed that as early as 1816, when Indiana was admitted into the Union as a State, it incorporated in its constitution the statement that its penal institutions were to be, not primarily for the purpose of punishment, but for reformation. This was the great new ideal which gradually changed the attitude of the State toward the prisoner, from that of vindictiveness and repression to the possibilities of transforming the individual offender. Like all ideals, however, its operation and expression have been slow, and with all that has been done, greater things remain to be accomplished by all of us who believe in the brotherhood of man.

Many institution officials have not even yet adopted the system of reformation, though it is safe to say they are not among those who regularly attend the National Prison Congress. A recent pamphlet issued after some reasonably careful investigation of the various prisons in the Southern States indicates that great abuses exist almost universally. These and other evidences go to show that the worst abuses are indescribably beyond anything that the public realizes. On the other hand, the best conditions that may be found doubtless far exceed what the public even expects. No one can visit the various prisons and reformatories of the country without being impressed with the wide differences

still existing among them. Strange to say these differences are not alone between different sections of the country, but between different institutions in any given section, or State. In the Central Western States, for example, where my special observation extends, it is common to find the very best principles of reformatory treatment carried out in almost any one of the institutions. In each one, on the other hand, will be found some of the abuses of the past that have continued into the present; and there is apparently no uniformity in the matter.

This would indicate apparently the personal equation as being a dominant factor in the administration of prisons. The individual interpretation of the application of reformatory principles has held sway. Surely no influence has been more potent than the National Prison Association in bringing about a uniformity of administration. To those who have attended its meetings, the principle of reformation is fully accepted as the ideal. The problem that remains is for all who believe in the principle to prove their sincerity by carrying it into practical application.

Making all due allowance for the difficulties involved, there still remains too great a discrepancy between the ideal prison system as generally advocated and the actual abuses that all well informed people know to exist. These abuses prevail particularly in the administration of our county jails and city prisons. There is great opportunity for missionary work on the part of this Association in winning the heads of these institutions to the ideal of reformatory treatment. Still greater possibilities in the prevention of crime lie in a uniform understanding as to what an ideal prison system should be and the insistence on the part of those in authority that the new institutions and principles be established.

The problem of prison conditions is by no means so remote in its effect upon human welfare as many imagine. It comes home to each of us, not only because of our humanitarian impulses, but because we believe in the prevention of crime. And it does not prevent crime to have in every State county jails and city prisons that have been condemned year after year by various officials, and still have not been rebuilt. It does not prevent

crime to put into these institutions boys and young men, accidental offenders and men awaiting trial, to mingle promiscuously in idleness, with all sorts and conditions of men. This is the more important when we remember what a large percentage of these men are not convicted, but are finally proven innocent. In one State the proportion of those who were either not indicted or not convicted, was 75 per cent. during a single year.

It does not prevent crime, but rather produces it, to have large numbers of sentenced men in many county jails and penitentiaries, and in some State prisons, in absolute idleness. Nor should we forget, what has already been learned, that a system of repression, or suppression, or brutality, will ever bring out the worst instead of the best in men. When, on the other hand, all county jails can be brought under uniform State administration, to serve only the purpose of detaining men while awaiting trial; when all county workhouses can be provided with abundant industry for all inmates; and when each inmate of a State prison or reformatory shall have the opportunity of learning a good trade, then we shall begin to approximate the ideal prison system. This ideal will also be practicable, for it will be a place for the establishment of health for the body and of intellectual and moral training.

In other words, the ideal prison system does not consist alone in perfect discipline in any given institution, but in turning out perfectly trained men for future citizens. To say that the reformatory idea is fulfilled through proper discipline is to say that the institution is an end in itself. It should not be forgotten that neither the discipline, nor the institution, nor the system, however good, is the ultimate end to be attained. The real weakness of the prevailing system lies just here. It is inclined to lose sight of the fact that the vast majority of all prisoners are again to become a part of society. Whether they shall do so for weal or for woe, depends upon the training and education they receive while in prison.

The first requisite, the classification of prisoners, has been fairly accomplished in most of the American state institutions. The second requisite, good discipline, is generally recognized as

essential. But the complete training of the physical, mental and moral man has been undertaken in only a few institutions. This sort of training will never be accomplished by any repressive or negative process. It will not be realized by seeking only the weaknesses of human nature and endeavoring to strengthen them. As an eminent judge has asked: "Why not strive for the shadow of that which is best, rather than cling to the substance of that which is bad?" It is only by discovering the best purposes in the minds of the worst men, and then fostering and nourishing those purposes until they fill the life, that the evil designs will disappear. This can be done to some extent by kindly treatment in the institution and by good discipline. But beyond this there must be specific training in trades as well as in general education, to cultivate the dormant faculties, and thus supply what society failed to furnish the individual in earlier years.

The modern prison, then, rightly regarded and conducted, is essentially an educational institution. It teaches the lesson of life to men whose training has been incomplete and whose energies have been misdirected. It is engaged in the process of "making men" of those who are imperfect in their citizenship because of their lack of self-control, forethought and discipline. Because of this lack they have been unable to cope with modern competitive conditions. If they have not the training suggested above and go out into society again with neither training nor trade, why should we wonder if they become a permanent menace to the public and a charge upon the State?

More and more we are realizing, however, that the new ideal of reformation and training may become a practical reality. The great difficulties of the problem will be met by the members of this Association and other officials and interested citizens. For we now know that the making of men is a process which takes time. With this consciousness we have greater patience and with the knowledge of results already realized, there is greater determination to make the ideal prison system an actual accomplishment in modern civilization.

## SOCIETY AND THE CRIMINAL.

A. E. DAVISSON, LINCOLN, NEB.

The greatest problem of human life is one of relations. From the dawn of history men have been trying unconsciously to obtain a solution of this problem. Our relations to the perfect ethical spirit which rules the universe and our relations to each other are the chief questions with which men concern themselves and have concerned themselves through all the ages. Education is after all the gaining of such knowledge and such training as will enable men to solve this problem. How human life may result in a triumphant outcome; how its march may be made a triumphal progress—both these questions are answered or should be answered by education.

Our view of the relations which men should sustain to each other must depend upon our view of the origin of human life. If we think that human life comes from a force that has wrought in the universe for thousands of years, but has wrought unconsciously, and that we ourselves at the close of our career are destined to lapse into unconsciousness forever, then our view of life will not be something that is to result in superiority of attainment or worthiness of character. At the same time our view of the relations between ourselves and the perfect ethical spirit and our idea of the relations which should exist between us and all other members of the human family will necessarily be a low one, and the framework of life will rest upon selfishness and possibly upon dishonor. If, on the other hand, we regard human life as originating from a perfect ethical spirit, conscious and supremely personal, then our lives will be based on altruism, self-denial, good will to men, and self-sacrificing efforts in their behalf.

We have come to learn that religion owes all of its saving power to interpreters. The conception of Yahweh, as the Jew called God, in the minds of the early rulers of Israel is very far below the lofty conception had of Him by those farsighted men who are known as the Hebrew prophets. Their conception is as far below that of Him who walked through the valleys and

climbed the mountains of Palestine, and who is come more and more to be recognized as the greatest teacher that the world has ever seen, as the lowest valley is below the snowcapped summit of Mt. Everest.

Let us look into the interpretation this person put upon human life. The first meaning he found was that all humanity is essentially sacred; (2) that in the lowest member of society are to be found qualities upon which may be built a manhood or womanhood white as snow, strong as adamant, and as effective for good as the forces of nature are for bringing forth all forms of beauty and all manner of food for suffering humanity. The great teacher does not despair of developing in him or her, whose sins are as scarlet, a life in perfect accord with Him "who plants His footsteps in the seas and rides upon the storm"; (3) the Great Teacher believed that man must triumph, not for himself, but that the race may triumph; (4) He taught the blessedness of mercy and the divinity of compassion; (5) He showed that life is something far above what we shall eat, what we shall drink, or wherewithal we shall be clothed: (6) He made him who gives his life for the uplifting of others to find his life in the most satisfying way; (7) He showed that the fatherhood of God necessarily involves the brotherhood of man.

Applying these principles, what should be our attitude toward human life in its lowest form? We see that whether society will it or not, it has a duty to those whom we call criminals. This duty is not performed by merely detecting criminals in their acts of warfare against the laws of society and placing them where they are rendered incapable of engaging in such warfare. There is a higher duty, and to the performance of that duty the National Prison Association and the prison associations in the various states have devoted themselves. The purpose of all these organizations is not merely to protect society against the criminal, but to protect the criminal against those influences which are causing him to make a failure of the purpose for which he was originally created.

It is not the purpose of the speaker to advocate any policy of sickly sentimentalism when dealing with those who constitute

the criminal class. Neither is it his purpose to attempt to place upon the brow of the criminal the brand of everlasting infamy. Rather is it his thought that the object of all dealing with him or her who wars against the laws and preys upon society is to give something that will enable them to cast off their evil habits as one casts away a soiled and disease-breeding garment, and puts on the white robe of pure womanhood or strong manhood. Therefore he who engages in reformatory work must have a personality which will give to every man whose reformation he seeks, not merely opportunity to do better, but such an overmastering purpose to do better that he cannot do otherwise. In other words, we who expect to make better the men and women who are outlaws from society, must give not merely our money, our clothing, our food and our drink; we must give the richest that is in our life. James Russell Lowell, in his incomparable utterance, "The Vision of Sir Launfal," says:

The Holy Supper is kept, indeed,  
In whatso we share with another's need;  
Not what we give, but what we share—  
For the gift without the giver is bare;  
Who gives himself with his alms feeds three—  
Himself, his hungering neighbor, and Me.

All the seeming miracles that have been wrought by man on man find their explanation in those lines. The criminal can not be lifted up unless all who work with him are fitted by nature to give something more than merely formal help. It follows, therefore, that all our penal institutions should be, nay, must be, placed in charge of men and women who have not only been specially trained for such work, but who have received by nature or by education such largeness of soul and such richness of emotion that in their daily walk among those who have been placed in their charge they may disseminate such a radiance of life and such strength of manhood or womanhood that all unfortunates may receive of them help for past transgressions, and purpose, strong as bands of steel, to keep them in the path of rectitude throughout all the future. Society must learn that the penal institute is no place for the man who has nothing but political in-

fluence to recommend him. Reformatories and prisons, from the highest officer to him who merely stands on guard, should be in charge of those whose character, speech and actions are such as to diffuse into the minds of men and women who have transgressed an influence which will act as a magnet to draw these degraded souls not only to the contemplation but to the performance of higher and better things.

The prisoner should be so influenced that he may have shining upon his pathway the glory and effulgence of hope. He should be taught, nay, deeply convicted of the fact that every man who has the courage to go forth and make an honest effort to get on in the world will succeed. He should be persistently taught the virtue of self-control, not only in actions but also in emotion and speech. Dr. Schurman, the distinguished president of Cornell, said from the platform of the university—of whose faculty the speaker happens to be a member—"An educated man is one whose life is characterized by sobriety of judgment, not by inebriety." He might very well have added that sobriety of speech and emotion is of just as great importance as sobriety of judgment.

The influence of a man or men in possession of the supreme virtues of hope, courage, faith, self-control, sobriety of emotion, and sobriety of speech when placed in charge of those whose whole life has been along the devious and darksome pathway of sin and crime cannot be over-estimated. The good which must come from such keepers can but result in the actual reformation of most of the men among whom they work. On the other hand, if men not in possession of the virtues just mentioned, men with a political pull, men whose principal business in living has been to climb over the shoulders of honest men by the use of unscrupulous means—if such men, I say, are placed in charge of penal institutions, then God pity, not only the criminal, but society as well.

The speaker does not wish to be understood as saying that emotions only can affect the reformation of the criminal. He is perfectly conscious of the fact that along with this high training of the feelings there must go such will-training as shall make the



prisoner, when he emerges from prison walls, capable of bearing the burden of responsibilities which every man, whether he be inside or outside, must be capable of supporting. Above all things the prisoner must learn that a debt contracted has to be paid for at its full amount. It is only after the unfortunate man or the man who has been wilfully disregarding of the law has paid the debt which he owes to the state *in full*, that he should be given a chance in society to redeem himself.

The Nebraska Prison Association, of which I have the honor to be a member, never seeks for commutation of sentences, for pardons, or for paroles. The Association has never, except in one case, gone into court for the purpose of interfering or trying to interfere with the administration of justice, but after the prisoner has discharged his full debt, when his account has been balanced, if his prison record is of such a character as to indicate that he will make an earnest effort to reform, the Association gives him a chance.

Of the four hundred thirty men whom the Association has helped in the last six years, four hundred sixteen are today plodding patiently along the pathway of life, their hands doing honest work and their eyes steadfastly gazing upward and onward. This result has been made possible by the high character of the officers placed in charge of our State Penitentiary, and by the efforts of the men in our Association, whose duty it is to take charge of discharged prisoners.

The speaker does not wish to be misunderstood. He feels that no man's future should be despaired of, even when he has become a criminal. He believes in the power of high-souled humanity to lift up men whose sins against society have made it necessary for society to place them behind prison walls. He believes that this uplifting can come only through the influence of prison officials whose character is of the highest, through associations whose officials are inspired with the highest and the broadest altruism. He does not believe that society should receive, without some sort of guarantee, the man who has had a criminal record. He feels that it is the duty of prison associations to give this guarantee. There is no intention of saying that prisoners

can be reformed by the mere imparting to them of right emotions. Upon these emotions must be built a superb structure of will, such that when storms come there may be strength to stand against the on-rush of the elements. When the weather is fine any one may unfurl his sail and go bounding from wave to wave with all speed, but when the tempest is on, when the ship seems to be about to dash upon the rocks, then it is the iron-willed man who can command all his resources and who comes forth from the encounter with wind and wave victorious. This quality does not come in a moment. It grows gradually. As the mountain oak, by resisting every wind that blows upon it, gathers strength to encounter successfully the mountain storm, so the man who persistently performs small duties will gather strength for greater emergencies. Hence prison officials should make the chiefest object of prison discipline the giving of power to every man in their charge to bear responsibility. Performance of duty as well as the possession of hope, faith, courage, is the magical key with which the discharged criminal can open the gate which leads back into society.

It is the belief of the speaker that he who comes forth with a record of the kind just specified, behind whom is the guarantee of an association managed by high-souled men and women, will be given a chance by society to make for himself a place of honor.

A peculiar difficulty to be confronted lies in the fact that not all criminals are low in intellectual qualities or lacking in the finer emotions. Such persons present the gravest difficulty. They have transgressed, not because of having been placed in unfortunate circumstances, but knowingly and deliberately. The bank president who is false to the trust reposed in him, the bank cashier who steals hundreds of thousands of dollars, may be men possessed of all the external graces of character. It seems that such persons are much more difficult to reform than men who, pressed by want, have been made outcasts from society by hard treatment or low associates, have committed crimes which, though of a low order, seem to excite greater indignation. This last-named class is composed of persons who stand so much in need of the help mentioned in preceding paragraphs. They are the "little ones" whom we are warned against causing to offend.

Another great question is that of the indeterminate sentence. Whether he who commits a crime should be sentenced for a definite term of years, or whether he shall be imprisoned for only so long a time as is necessary to effect in him a reformation, is one of the greatest questions with which society must deal. Time will not permit its discussion here. This paper was written with the sole purpose of calling to mind the fact that the criminal can be saved, and that society cannot be acquitted of having done its full duty by merely providing jails, reformatories and penitentiaries. Society must cast aside the materialistic ideals which are so dominant at the present time, and instead march under the banner inscribed with the words, "All men are brethren." All lives are worthy of an attempt being made to save them. Every man, however low, is entitled to have the hand of humanity stretched out to him in welcome, provided on his part that he is sincerely desirous of casting aside the garment of sin and transgression, and putting on the robe of honest endeavor and faithfulness in the performance of duty.

It is cheerfully granted that those who have been placed under the bane of the law's displeasure excite in most of us a feeling of aversion. We are not to be blamed for this. At the same time it is absolutely true that one may oftentimes stretch forth his hand to the man who has passed under the rod of the law's chastisement, and as a result place him on solid ground. It happened quite recently that one who occupies a high place in the estimation of the world, was called upon to make an address in a nearby State prison. His remarks were filled with a spirit of broad altruism and upon his utterances the prisoners hung with intense attention. The speaker said to me at the close of his address, and when we two were making our way back to the city, "I was carried away this morning by those faces turned so eagerly to me and those eyes gazing so earnestly into mine." Just last week I saw the speaker again and he said, "Do you know, I had a peculiar experience with one of those men to whom I spoke in your State prison." Upon my asking what it was, he replied, "I met one who has been discharged since I made my address. He said to me, 'Won't you shake hands with me?' I did so, and

then was surprised to hear these words, 'I wondered all the time you were making that eloquent address whether you would shake hands with me if I ever got out.' "

Society, then, must be careful to perform its whole duty if criminals are to be made into honest men. It must not only address to them words breathing forth the loftier ideals, but it must shake hands with them, remembering, always, "inasmuch as ye have done it unto the least of these my brethren, ye have done it unto me."

Society may justly dread that at some future time accusing eyes will be fixed upon it and threatening hands will be lifted to strike if it fails to do its full duty to men and women whom the world thus far has very largely denied the chance and privilege of right living. Let us then recognize that, not only to the heathen across the sea should we give of our abundance and the treasures of our hearts, but that here almost at our hearthstone are men and women who cry out to us in the travail of their souls and whose need is great. Tennyson says:

I hold it true with him who sings  
To one clear harp in divers tones  
That Men may rise on stepping stones  
Of their dead selves to higher things.

We all assent to the truth expressed in these lines. Let it be acted upon. Then it seems to me the time will inevitably come when jails and penitentiaries will almost cease to exist; when humanity united in an actual brotherhood, each one seeking to help some one else bear his burdens, will find that the race is proceeding triumphantly; that each one is keeping step in the march; that no stragglers are to be seen along the route; that no guerillas are engaged in predatory warfare. Humanity, in other words, will then march hand in hand with everlasting concord, having in its soul perfect harmony with Him who was indeed rejected by the builders, but who, of the spiritual temple which humanity is building, is the chief corner stone.

## COUNTY JAILS.

DR. H. H. HART, CHICAGO, ILL.

Day before yesterday we listened to a remarkable report. When it is printed I hope every member will go through it in detail. I refer to the report of the Committee on Jails, of which Dr. Henderson is chairman.

Sixty years ago De Tocqueville said that the county jails of our country were the worst in the world. We have seen a wonderful revolution in the State prisons and reformatories of this country. It is not too much to say that the spirit of dealing with convicted men and women has been completely revolutionized in the past generation. We are compelled to confess, however, that the county jails have not shared in this wonderful change which has taken place—that as a matter of fact they are very little better than they were thirty years ago.

It is true there has been a great improvement in jail architecture. It began with the report which was made by Dr. Wines, of this body, to the Illinois State Legislature in 1872, in which he set forth model plans for jails. It is also true that discipline and management have not had any corresponding improvement. We have present here in this body I think at least one-third of the men of this country who have been interested in the work of prison reform for the State institutions. I could name wardens and members of boards of State charities and members of prison boards who have been instrumental in their change. But when you study the subject of county jail discipline, you can almost number on the fingers of one hand the men who have been notable in that line and have been earnestly engaged in improving conditions. I know many of the sheriffs of this country. I have attended their meetings. When you attend meetings of sheriffs you do not find them discussing discipline; you find them talking about increasing their fees. When you meet the county jailers, you find them scheming to succeed the sheriff at the next election. In other words, the administration of the jail has been in politics, in the lower grade of politics, and progress has been impossible. This is a lamentable thing.

There has to be a first time for every man who is locked up and that first time comes either in the lock-up, police station or jail. It is a tremendous shock to a man's moral nature when he comes to realize that he has broken over the barriers of society and has fallen into the hands of the law. He says, "If I can only get out of this trouble, I will never get in again." A great impression has been made. There is the moment of opportunity; there is the moment when he can be turned in the right direction. But what do we do? We thrust him into a jail. We put him in a cage, in view of the public. We force him into association with the vilest individuals that can be found. There, overwhelmed with shame, he finds himself surrounded by a body of men who ridicule his sentiment; they try to persuade him he has been misused; they use every possible influence to overcome the right sentiment that has been aroused in his mind. And the result? In the judgment of men who are familiar with jails, the inmates come out worse than when they went in. The jailer does the best he can with the light he has. He has had no training. He does not know how to deal with men under his care.

I remember one of my earlier visits to a jail, as an inspector. I inquired for the sheriff. He lived in another town. I inquired for the jailer, but he had gone to a funeral. The deputy sheriff had the key. When I told him I wanted to see the jail, he said he would get the key. He felt in all his pockets, went to the house and then to the barn, and returned with a man at his heels. "This is the prisoner. He has the key." I visited another jail, which I found locked up. I inquired for the sheriff, but could not find him. I was in a hurry and I spoke to a man on the sidewalk and asked him if he knew where the sheriff was. He said, No. Then I asked if he knew how many prisoners were in the jail. He said, "Yes, I am the prisoner." "What are you in for?" "O, for murder." Subsequently this man came up for trial and was found guilty.

These are some of the things we discover. What is the difficulty with the county jails? They are used for two radically distinct and inconsistent purposes. I stood today in one of the largest jails in the United States, Cook County jail. There are

nearly five hundred prisoners. Of course, perhaps 425 are awaiting trial and the remainder are serving sentence. The prisoner who is awaiting trial is entitled to his rights as a citizen. The constitution and the law says a man who is accused of crime shall be deemed innocent until he is proven guilty. He is entitled to humane and reasonable comfort; to be kept from unnecessary exposure to disease and danger or injury to health or person or morals. He may be an innocent man. He may be like the little Greek boy I saw today who looks to be not more than fourteen or fifteen years of age. He is held in the jail of Cook County. What is his crime? He is the only Greek boy that can be found that can testify against these Padrones; and the noble county of Cook is holding this child in the jail, exposed to all kinds of moral contagion, until such time as it gets ready to put him on the witness stand to prove a case. Some inmates of county jails are held as witnesses. Some are insane. I remember seeing five insane men in a jail in Dubuque, Iowa—sick men, whose only place of refuge was a dark, damp, unwholesome, unsanitary jail, and the only care given was such as was kindly volunteered by their associates, the other prisoners.

The jail is used for two inconsistent purposes; one, humane and easy detention of a prisoner, who may be innocent, until such time as he is tried; the other, the punishment of prisoners who have been convicted and are sent to jail in order to meet the demands of justice. The same building, the same room, exactly the same cells, the same food, the same light and reading matter—how shall we make that to the one man a humane and easy detention and to the other man a bitter and deterrent punishment? You say it is impossible. It is done every day in the year in our county jails, but by a singular contradiction. We give the bitter punishment to the wrong man.

What does the tramp like? Give him nothing to do, plenty of food and a warm, comfortable fire in winter; give him the society of others like himself; give him a pack of greasy cards and a pipe of tobacco, and he will lack nothing for his comfort. If you turn him out on a cold day, he will go down town and steal something in order to get back. Every man who is familiar with a jail knows that to be a fact.

The other man is to get the humane and easy detention. I have in mind a man who was arrested and put into jail on a charge of embezzlement. The jail at that time was a place where the men were exposed to view in a cage, like wild beasts in a menagerie; where six prisoners were kept at night in a cell 6½ by 10 feet one way, and 7 feet high. He could have no place to himself; he could not take a bath; he could not keep himself free from vermin. While that man was there both his young wife and his little child sickened and died. When he was brought up for trial the judge promptly dismissed the case and said the man should never have been indicted. Can you imagine any worse punishment this side of perdition than to force upon him the conditions which I have described, conditions which prevail in at least fifty per cent. of the jails of these United States? As I have said, we punish the wrong man and give the humane detention to the wrong man.

What is the remedy? It has been pointed out a thousand times. The remedy is *classification*. It is a simple principle. Put the men by themselves; the women by themselves; the children by themselves; separate the old, hardened criminals from the young, inexperienced prisoners.

But what system of classification can you devise that can be infallibly applied by the ordinary county jailer? He is not trained. He has not studied penology. He does not know how to discriminate. The solution is simple. Have as many classes as you have prisoners. In other words, let each prisoner be kept entirely by himself during the time of his confinement in the jail. "Solitary confinement!" you say, "the most dreadful thing in the world! We must not think of that for a moment!" General Brinkerhoff is here. Years ago he expressed himself in favor of that method and I asked him today if he still advocated it and he said he did. How shall we defend it? Apply it to yourself. Suppose through some misfortune you should be put in a county jail and should have to stay there until you had proven your identity. Would you wish to be forced into such associations as are to be found there or to be placed in a comfortable, well lighted cell, where you could receive visits of proper



friends, where you might meet the officers several times a day? I think you would wish to stay by yourself. Suppose the man is really a criminal. It will do him good to spend a little time alone and gather himself together and see what manner of man he is, and have a wholesome time apart from the other influences I have spoken of. If he is a young man who for the first time has fallen into the hands of the law, the ordinary county jail affords no opportunity to bring to bear the wholesome and correctional influences that might possibly effect his redemption. Suppose he is serving a sentence, as I have described; do you not imagine if you deprive him of a good time, he will possibly not be so anxious to get back into jail?

The first jail I saw administered on this plan was that of Suffolk County, in Boston, under Sheriff Gray. Each prisoner was kept in his own cell. I conversed with the prisoners, one of whom, an intelligent man, said, "I would like to have more liberty, but I believe on the whole it is the best thing for the prisoners to be kept apart." And wherever this principle has been applied faithfully, the jailers and sheriffs have come to recognize it as much to be preferred.

I candidly believe that we have reached a point in the development of prison reform where the National Prison Association ought to address itself systematically and faithfully, for a series of years, to the reformation of the county jail system. I believe we have made as much progress as we are likely to make in the principles that are being applied today until we remedy the jail system. It will never be done until the county jail goes out of existence and the place of detention, like the State Prison, comes under the control of the State, and the officers are selected with some of the care and discrimination which today is exercised by prison wardens in this country.

A. W. Butler, Indiana—As students of prison conditions, we have advocated the local prison as a place of detention, and workhouses under State control for convicted prisoners. Dr. Hart referred to women in county jails. We were fortunate in Indiana this past year in taking advantage of a condition that existed to begin the establishment of State workhouses. The legis-

lature enacted a law establishing a State Workhouse for Women, to which, when it is completed, we expect to transfer convicted women who do not now go to the Woman's Prison.

Dr. F. H. Wines, North Carolina—It was my pleasure to speak the first words that were uttered in this Prison Congress and it is with regret that I say the last. There is always pain attending the separation of men who love each other. I have very little to add to what has been said with regard to this Congress. I will say this, however, that I have attended these Congresses ever since the year 1870, nearly forty years, and I have never yet attended one in which the note of reformation, of hope, of responsibility on the part of the officials in charge, for the salvation of the men committed to prison, has been so clearly and loudly sounded as it has at Chicago. I will say further, that I have never attended a Congress, I think, in which I have personally received so many fresh and inspiring suggestions in the various addresses and remarks made. I shall not undertake to review the addresses that have been made and show their value in detail, nor to mention even the names of those who have made a special impression upon my mind, with possibly one or two exceptions.

I should like to say that Dr. Henderson did for this Congress, in my judgment, one of the greatest services which has ever been rendered to it when he secured for it an invitation to hold its sessions for an entire day within the sacred precincts of the University of Chicago, and in the remarks which he made to the members present in which he compared the work of the University to the work of the prison, founding them both on the same great principle of education, and intimating that the prison warden was the brother in spirit, if not in fact, of the university professor. That was a high ideal. That is the level to which we hope ultimately to bring all the wardens and superintendents of penal institutions within the bounds of the United States.

I should like, further, to say that the very delicate medical subject was treated in the morning session at the University by the physician of the Indiana Reformatory in a manner to which I think no exception could be taken by any reasonable person,

and in a manner which most emphasized the thoughts of many men and women on that subject, who have been revolted by the ordinary presentation.

However, I am not here to make a speech. I am here because Mr. Milligan, the honored and honorable secretary of this Association for so many years, and its president-elect, asked me to appear upon this platform to say a word for him. He wanted me to say to you that it was a matter of deep regret with him that an engagement in Pittsburg tomorrow afternoon which he cannot break compelled him to leave Chicago before this evening session; that if he had imagined that the Congress was going to honor him, and I will say to honor itself, by electing him as its president, he would have seen that that engagement had not been made in advance. As it was, he endeavored to have it changed, but was unsuccessful, and he could not go back upon his word or duty. He wanted me to say he deeply appreciated the honor conferred upon him; that he had not sought it, but he hoped with your kind assistance and the blessing of God, to be able to perform his duties to entire satisfaction and to make the necessary preparations for the Congress at Richmond, which we trust will be the best of the series.

In closing, may I say a word about Mr. Milligan? I sometimes call him my twin brother. I have known him from the time he was a boy. I was in college with him. I was a member of the same secret fraternity. I was in the Theological Seminary with him at Princeton. He has stood at his post as chaplain at Allegheny for nearly forty years. He has attended every International Prison Congress held in Europe with perhaps one exception. I do not know that he failed to attend once. He is a close, intimate and honored friend of the members of that body. He is respected and loved by everybody who knows him. A whiter soul God never made. He has filled his position faithfully and well and when the history of the prison reform movement in this country comes to be ultimately written, it will be found that nobody has contributed more to its success than your friend and my friend, the Rev. John Lynn Milligan. I do not congratulate him, but I congratulate you upon the selection of the president of this Association.

Mr. Murphy—In closing this meeting I desire on behalf of the Illinois delegates to thank you for your attendance and the interest that you have taken in making this meeting a success, and I hope that the succeeding meetings will each be larger in attendance and of greater interest. I want also to assure you again of my appreciation of having been elected president of this Association.

Adjourned.



# APPENDIX I.

## PROCEDURE ON PLEA OF CRIMINAL INSANITY.

COMPILED BY ARCHIBALD C. MILLIKAN, INDIANAPOLIS.

**ALABAMA.** Court may remand to an insane hospital if jury find prisoner insane. (1889) §4941, Crim. Code Ala. 1896.

When acquitted on account of insanity, the verdict must so state. (1889) §4939, *supra*.

**ARIZONA.** Person pleading insanity or doubt arising in court's mind as to his sanity, court must order a jury to inquire. 1148 Crim. Code Ariz. R. S. 1901.

If this jury find defendant insane, he must be sent to an insane asylum, to be kept until sane. §1150, *supra*.

When cured, must be brought to trial or judgment or legally discharged. §1152, *supra*.

**ARKANSAS.** When defendant is acquitted on ground of insanity, court remands him to insane hospital, to be kept until cured. (1893) §§4204-7, Kirby's Dig. of Stat. Ark. 1904.

**CALIFORNIA.** After verdict of acquittal, court may order jury to inquire into defendant's sanity. If found insane, sent to insane hospital; if sane, is discharged. (1873-4) §1167, Penal Code, Cal. 1906. Court may order inquiry any time before judgment. (1872) §1368, *supra*.

**COLORADO.** Court should impanel a jury to try defendant's sanity. (1861) I Mills Ann. Stat. Colo. 1891.

**CONNECTICUT.** Court may order any person who has been tried and acquitted as insane, confined in state insane hospital "for such time as the court may direct." (1865) §1473, Gen. Stat. Conn. R. S. 1902.

**DAKOTA.** On doubt arising as to defendant's sanity, court must order a jury to inquire. §7565, Comp. Laws Dak. 1887.

If this jury find defendant insane, trial or judgment must be suspended until he becomes sane. If court deems his discharge dangerous to public safety, may commit him to care of sheriff. §7570, *supra*.

When sane, must be tried or legally discharged. §7572, *supra*.

**DELAWARE.** When acquitted on account of insanity, court may order defendant committed to an almshouse or insane asylum. Court shall appoint a trustee for such person. Court of General Sessions may order such person released. (1857) p. 382-3, R. C. Laws of Del.

**FLORIDA.** When person is acquitted on account of insanity, jury shall so state and if court consider defendant dangerous to public safety at large, shall commit him to jail, or order him otherwise cared for as an insane person, or may give him into the care of friends on their giving security; otherwise, he shall be discharged. (1868) §3992, Gen. Stats. Fla. 1906.

**GEORGIA.** When insanity plea is filed, court must cause issue on that plea to be first tried by a special jury. If found true, court shall order defendant to insane asylum to remain until discharged by law. §951, Penal Code Ga. 1895 L.

Person acquitted of capital crime account of insanity and committed to asylum shall not be discharged therefrom except by act of Legislature. If not capital, he shall be discharged by warrant or order from Governor. If sentence is suspended on account insanity, upon restoration, superintendent shall certify such fact to presiding judge of court which convicted him. §952, *supra*.

If convict becomes insane after receiving death penalty sheriff shall summon an insanity jury. If found insane, execution shall be suspended and convict sent to asylum for treatment. On recovery, judge shall be notified, who shall re-sentence him and order execution of original sentence. (1874) §§1047-8-9, Penal Code Ga. 1895.

Amended (1897), §6757, Supp. Code Ga., so that convict is entitled to jury of twenty-four men.

**IDAHO.** If acquitted on account insanity, court may order jury to inquire. If insane he shall be committed to asylum; if sane, discharged. §5512, Penal Code Idaho, 1901.

If doubt arises when case is called for trial, court must order question submitted to a jury, and trial shall be suspended during the sanity trial. §5664, *supra*.

If sane, trial proceeds. If insane, trial suspended until he becomes sane, and court if his discharge be deemed dangerous to public safety, may order him committed to asylum, to be re-delivered to sheriff on becoming sane. §5666, *supra*.

**ILLINOIS.** If it appears on trial that a crime was committed while insane, jury shall so find, and shall further find whether defendant has entirely recovered. If not "entirely and permanently" recovered, court shall order such person to insane hospital to be kept until cured. If jury find he has entirely recovered he shall be discharged from custody. p. 731, §284, R. S. Ill. 1905.

Person becoming insane after commission of crime shall not be tried during continuance of insanity. If after verdict of guilty and before judgment, no judgment shall be given while lunacy continues. If after judgment and before execution, if punishment

be capital execution shall be stayed until recovery. Court must impanel a jury to inquire in all of these cases. p. 732, §285, *supra*.

**INDIANA.** When person is acquitted on sole ground of insanity, jury shall so find, and defendant shall be forthwith proceeded against on the charge of insanity. The jury's verdict shall be *prima facie* evidence. (1881) §1834, Burns' R. S. Ind. 1901.

Re-enacted. (1905) §1841, Burns' Supp. 1905.

When defendant in a criminal cause appears for judgment and court has reasonable grounds for believing him to be insane, his insanity is determined by a jury. If jury finds him insane, the court directs that he be confined in a state insane hospital. If not, judgment is pronounced. If defendant is sent to an insane hospital, he is returned to court for judgment when cured. Acts of 1905, pp. 174-5. §§1936, a, b, c, Burns' Supp. 1905.

**INDIAN TERRITORY.** If court believes defendant may be insane, all proceedings shall be postponed until jury is impaneled to inquire. If of unsound mind, court shall direct he be kept in prison or sent to insane asylum to be there kept until restored, when he shall be returned to the sheriff. §1498, Ind. Terr. Stat. 1899.

After verdict, defendant may show he is insane. If court finds reasonable grounds he shall impanel jury to inquire. If this jury find him sane, judgment shall be pronounced. If insane must be kept in jail or insane asylum until recovered, when sentence will be pronounced. §1658, *supra*.

**IOWA.** Reasonable doubt as to sanity at any stage of the trial must suspend proceedings, and trial must be had as to sanity. §5540, Code of Iowa, 1897.

If found insane, no further proceedings shall be taken on indictment until reason is restored. If discharge be dangerous to public safety, court must send him to department for criminal insane at Anamosa. If sane, trial shall proceed and question of insanity can not be raised. §5542, *supra*.

If committed to Anamosa and restored, sheriff must receive and hold him until brought to trial or judgment or legally discharged. §5543, *supra*.

**KANSAS.** It is well established that the question of sanity or insanity in a criminal case, where it is claimed that the defendant was insane at the time of the commission of the alleged offense, may be tried along with all the other questions in the case. *State v. Gould*, 40 Kan. 262.

In March, 1907, the Supreme Court of Kansas, in *re Wesley D. Wright*, petitioner, held that the court having jurisdiction of a person charged with the commission of a crime had the exclusive right and power to determine the mental fitness of the defendant. (Do not find any statutes on this question.)



**KENTUCKY.** If court believes defendant may be insane, proceedings shall be postponed until jury be impaneled to inquire. If jury find him insane, court shall remand to prison or nearest lunatic asylum to be kept until restored. §156, Ky. Crim. Code.

If defendant pleading insanity be acquitted because thereof, jury must so state, and if court be satisfied that he is insane, it may order him to a lunatic asylum. §268, Ky. Crim. Code.

If court believe defendant insane on his plea of insanity, twelve jurors shall be impaneled. If they do not find him insane, judgment shall be pronounced. If insane, must be kept in confinement in asylum or county jail until in the opinion of the court he becomes sane, when judgment shall be pronounced.

**LOUISIANA.** Any person arrested to answer for a crime who is acquitted or not indicted on account of insanity, and such person be dangerous at large, the court is empowered to commit to insane hospital to be kept until restored. p. 464, §993, Cons. & R. Law La. 1904.

Similar statute as to colored persons. (1902) p. 807, §15, *supra*.

**MAINE.** "When a person is indicted or committed to jail on a charge by a trial justice, or judge of police or municipal court, any justice of the court before which he is to be tried, if a plea of insanity is made in court or he is notified that it will be made may in vacation or term time order such person into the care of the superintendent of either insane hospital to be detained and observed by him, that the truth or falsity of the plea may be ascertained. Superintendent shall report," etc. p. 978, §1, R. S. Maine, 1903.

When grand jury do not find a bill or traverse jury acquit because of insanity they shall so state when verdict is returned and court may commit to insane department of the state prison or to either insane hospital. §2, *supra*.

Any person so committed may be discharged by any justice of the Supreme Court. On satisfactory proof justice may re-commit him. §3, *supra*.

**MARYLAND.** When person indicted for crime or misdemeanor alleges insanity as defense *jury trying such person* shall find whether such person was or still is insane. §4, p. 1415, Pub. Gen. Laws. Md.

If jury find such person was and then is insane, court shall send such person to almshouse or a hospital or to be kept until cured and discharged. Any judge \* \* \* may, upon habeas corpus proceedings, make any order, absolute or conditional for permanent or temporary discharge on proof of permanent recovery. §5, *supra*.

Person arrested, not indicted, alleging to be, or appearing to the court, insane, court shall cause a jury of 12 to inquire; if they

find person was and still is insane, court shall direct such person confined until recovered and discharged by due course of law. §6, *supra*.

**MASSACHUSETTS.** Person in jail for trial or sentence, except capital crime, if insane may be removed to asylum for criminal insane. When cured shall be returned to jail to be held as originally. §103, chap. 225, p. 1904, Rev. Laws Mass. 1902.

If grand jury does not indict because of insanity, they shall so certify. If court finds him insane it may order him to state insane hospital. If he has been criminal or vicious in his life he may send him to asylum for criminal insane. (1862) §16, chap. 218, p. 1837, *supra*.

If person indicted for murder or manslaughter is acquitted because of insanity court shall commit him to insane hospital for life. Governor may discharge. (1873) §16, p. 1854, *supra*.

If person under indictment for any crime is at trial or before, found insane by court or by two experts designated by court, that committal is necessary for his proper care and observation pending determination of insanity, court may commit him to insane hospital for such time. (Amended 1904) p. 223, Acts and Resolves Mass. 1904.

**MICHIGAN.** When a person accused of crime has escaped indictment or is acquitted on trial on grounds of insanity, court shall inquire. If insanity continues, person shall be sent to asylum for criminal insane or other insane asylum. When a person is under indictment court shall investigate and a jury may inquire. If insane, shall be sent to asylum for criminal insane, or other state asylum to be kept until cured. When cured criminal proceedings shall be resumed. (1893) §1972, Comp. Laws Mich. 1897.

When a person indicted is acquitted on account of insanity, jury shall state same and if court consider him dangerous at large may confine him in prison until further orders; otherwise he shall be discharged.

**MINNESOTA.** Any person subject to trial, sentence or punishment found in such a state of insanity, idioy, etc., as to be incapable of understanding proceedings or making defense, court may commit to insane hospital for safe keeping and treatment; when recovered he shall be returned to the officer from whom he was received. §5735, R. L. Minn. 1905.

When any indicted person is acquitted on account of insanity, jury, in verdict of not guilty, shall state the reason. If defendant's discharge be dangerous to public safety court may order him to insane hospital, to prison, or to the care of his friends on their giving bond; otherwise he shall be discharged. §5376, *supra*.

To excuse insane person from criminal liability, at time of committing alleged criminal act he shall be laboring under such a defect of reasoning as not to know the nature of his act or that it was wrong. §4756, *supra*.

MISSISSIPPI. When a prisoner charged with crime appears to have been insane when offense was committed and still is insane, he must be proceeded against as a person of unsound mind. §1538, *Miss. Code*, 1906.

When grand jury does not indict on account of insanity grand jury shall certify to the court and state whether prisoner's condition be dangerous. If so, he shall be proceeded against as a person of sound mind. §1539, *supra*.

When jury acquit on account of insanity they shall so state. Also whether he is still of unsound mind and whether he is dangerous to be at large. If so, judge shall commit to state asylum for insane. §1540, *supra*.

MISSOURI. If indicted person becomes insane after indictment and before trial, court shall suspend proceedings and order a jury to inquire. §2603, *Mo. Ann. Stat.* 1906.

If this jury return a verdict of "insane," court shall order such person to a lunatic asylum to be kept until restored to reason. If such person have property, said costs shall be paid by guardian. §2604, *supra*.

When restored to reason he shall be returned to county and criminal proceedings continued. §2605, *supra*.

When person tried is acquitted on account of insanity jury shall so find; and further find whether or not he has recovered. If so, he shall be discharged; if not he shall be dealt with as above. §2606, *supra*.

MONTANA. When found not guilty on account insanity, jury's verdict must so state. §2143, *Mont. Code Ann.*

If, at or before trial, or before judgment, question of sanity arises, court must order a jury to inquire. Trial must be suspended until they report. §2521, *supra*.

If sane, case proceeds. If insane, judgment must be suspended until he becomes sane. In interim, committed to insane asylum. §2523, *supra*.

Defendant received at insane asylum must be kept until sane. When sane, must be brought to trial. §2525, *supra*.

NEBRASKA. Any person becoming insane after commission of crime ought not to be tried during continuance of insanity. If, after verdict and before judgment person becomes insane, no judgment shall be given while insanity continues. If, after judgment and before execution, person becomes insane, if judgment be capital, ex-

ecution shall be stayed until recovery. In all these cases, court must impanel jury to inquire. (1873) §2588, Cobbe's Ann. Stat. Neb.

NEVADA. If doubt as to sanity arises when case is called for trial or on conviction, court shall submit question to *the* jury or a special jury. §4537, Comp. Laws Nev.

Proceedings shall be suspended until this verdict is received. §4538, *supra*.

If jury find defendant insane, trial shall be suspended until he becomes sane. Court in meantime may order him committed. §4542, *supra*.

NEW HAMPSHIRE. When grand jury does not indict or petit jury acquits on account of insanity, jury shall so certify to court. §1, p. 785, Pub. Stat. N. H. 1901.

When insanity is *pleaded*, court, if he thinks person dangerous, may commit to asylum or prison. (1850) §3, *supra*.

NEW JERSEY. There is no statute in this state regulating the plea of insanity as a defense in criminal cases.

NEW MEXICO. When it appears at trial that person was insane when crime was committed, and such person is acquitted, jury shall specially find whether person was insane at commission of offense, and whether he was acquitted on ground of insanity; if so, court has power to order such person kept in custody as long as insane. (1856) §1929, Comp. Laws N. M. 1897.

NEW YORK. A person is not excused from criminal liability as insane except upon proof that at time of committing act he was laboring under such a defect of reason as either (1) not to know the nature and quality of the act he was doing, or (2) not to know the act was wrong. §21, Parker's N. Y. Penal Code.

"A morbid propensity to commit prohibited acts existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts forms no defense to a prosecution therefor." §23, *supra*.

When defendant is acquitted on ground of insanity, jury must so state with their verdict. Court must, if he deems his discharge unsafe, commit him to an insane asylum until he becomes sane. §454, Parker's Crim. Code.

If defendant claims to be insane, and court finds reasonable grounds for so thinking, question of insanity must be tried. If sane, judgment must be pronounced. If insane, must be committed to insane asylum until he becomes sane. §481, *supra*.

When person under indictment desires to offer insanity plea, he may present plea at arraignment under plea of not guilty. §336, *supra*.

When defendant pleads insanity, as in §336, court instead of proceeding with trial, may appoint insanity commission of three to inquire and report. If defendant under indictment appears before or after conviction to be insane, unless under death sentence, court may appoint a like commission, which must summarily proceed to examine and report. §658, *supra*.

If insane, trial or judgment is suspended until he becomes sane. If court deem discharge dangerous, he must in the meantime be committed to the insane asylum. §659, *supra*.

If defendant be received into an insane asylum, he must be kept until sane; then returned to be brought to trial, judgment or execution, or discharged. §661, *supra*.

**NORTH CAROLINA.** When it is suggested that a person confined in jail charged with a crime, is insane, court shall impanel jury to inquire; if they find him insane, court may send him to asylum for cure. p. 330, R. C. N. C. 1856.

(Do not find anything in revisal of 1905.)

**NORTH DAKOTA.** Morbid propensity to commit prohibited acts, existing in mind of person who is not shown to have been incapable of knowing the wrongfulness of such act, forms no defense for such act. §6816, Rev. Codes N. D. 1899.

When jury returns verdict of acquittal account of insanity, if court deems discharge dangerous, may order him committed to state hospital for insane or to care of such persons as court may direct, until sane. §6817, *supra*.

If jury acquits account of insanity, they so state in their verdict, upon which court may commit. §8255, *supra*.

**OHIO.** When attorney of indicted person suggests before sentence, that such person is not sane and presents certificate of respectable physician, court shall impanel jury to inquire. A finding of three-fourths will be the verdict of the jury; a new trial may be granted on application. §10994, Laning's R. S. Ohio, 1905.

If three-fourths of jury do not agree or verdict be set aside, another jury shall be impaneled to try the same question (*de novo*). If jury find him not sane, fact shall be certified to probate judge, and accused, until restored to reason, shall be dealt with as upon inquest. If discharged his bond for support, etc., shall contain a condition that he shall answer to the offense when recovered. §10995, *supra*.

When accused is acquitted on sole ground of insanity jury shall so state in their verdict and probate judge shall proceed on lunacy charge, and jury's verdict shall be *prima facie* evidence of his insanity. §10996, *supra*.

OKLAHOMA. §1939, Stats. Okla. 1903. (Same as §6816, N. D., supra.)  
 §1940, Stats. Okla. 1903. (Same as §6817, N. D., supra.)

When indictment is called for trial, or on conviction at judgment, if doubt arises as to sanity, court must impanel jury to inquire. §5661, Stats. Okla. 1903.

Trial or pronouncing of judgment must be suspended until sanity question is determined. §5662, supra.

If jury find defendant sane, trial must proceed or judgment be pronounced. §5665, supra.

If jury find defendant insane, trial or judgment must be suspended until he become sane; if court considers his discharge dangerous may order him committed to care of sheriff until sane. §5666, supra.

When sane must be brought to trial or judgment or legally discharged. §5668, supra.

OREGON. Morbid propensity is no defense. (1864) §2191, B. & C. Codes and Stats. Oregon.

When act is proven and insanity is pleaded as a defense, it must be proven beyond reasonable doubt. §1393, supra.

If defense be insanity, if jury find him not guilty by reason of insanity, they must so state in their verdict. If court deems him dangerous at large, may commit him to asylum to be kept until sane or otherwise discharged by law. §1424, supra.

PENNSYLVANIA. When jury acquit account of insanity they must specially so find in their verdict. Court shall then have power to commit to strict custody "in such place and manner as the court shall see fit" so long as he continue of unsound mind. (1860) §78, p. 2403, Purdons' Dig.

Same proceedings, if a person, on arraignment, be found insane by a special jury, or during trial by a jury trying the case. (1860) §79, supra.

When prisoner brought up to be discharged appears insane, court shall order district attorney to send written allegation of insanity, to grand jury who shall make presentment. Court shall then impanel jury to try insanity. If found insane, proceedings as aforesaid. (1860) §80, supra.

If insane person's friends shall give bond for his safekeeping, it shall be lawful to deliver lunatic to them. (1860) §81, supra.

When any person is convicted or charged and acquitted on account of insanity on application with oath or affirmation by officer of penitentiary where lunatic is, by general agent of board of charities, or any law judge, court may appoint commission of three, one a doctor, the other a lawyer, to inquire. If majority decide lunatic unfit for penal discipline, judge may commit to nearest

asylum, there to be detained until released by court. If possible shall be sent to asylum for criminal insane. (1874) §83, *supra*. (This act does not repeal act of 1860.)

When term of sentence to insane hospital expires and lunatic is still uncured court may deliver him to his friends upon their giving proper bond. (1874) §86, p. 2404, *supra*.

**RHODE ISLAND.** When, on trial, accused pleads insanity, if jury acquit because thereof, they shall so state. If court considers lunatic dangerous at large, court shall so certify to governor, who will provide for lunatic in insane asylum. §22, p. 283, Gen. Laws, R. I. 1896.

**SOUTH CAROLINA.** "Any judge of the circuit court is authorized to send to the state hospital for the insane any person charged with the commission of any criminal offense, who shall upon the trial before him, prove to be *non compos mentis*, and the said judge is authorized to make all necessary orders to carry into effect this power. Where the person so sent is not a pauper, he shall be supported out of his own estate, according to the regulations to be prescribed by the court, as on a writ of *de lunatico inquirendo*." Code of Laws S. C. 1902, §2264.

**SOUTH DAKOTA.** When jury acquit defendant because of insanity, court may if he considers discharge dangerous, commit to insane hospital or to care of such persons as court may direct. p. 1100, Rev. Code S. D. 1903.

When called to trial or judgment, if doubt arises as to sanity, court must order jury impaneled to inquire. Proceedings must be suspended until verdict. p. 1250, *supra*.

If defendant is sane, case proceeds; if insane, trial is suspended until he becomes sane. If court deems discharge dangerous, may commit him to sheriff. When sane must be brought to trial or judgment or legally discharged. p. 1251, *supra*.

**TENNESSEE.** When on arraignment of any person charged with offense punishable by death or penitentiary imprisonment plea of recent insanity is urged, court shall charge the jury that if they believe defendant insane they shall so find. §2631, Shannon's Code of Tenn. 1896.

On such finding court shall order superintendent of hospital to receive defendant and keep him as others. §2632, *supra*.

When patient recovers he shall be redelivered.

In *Dove v. State*, 3 Helsk. 348, 374, the court held that the plea of present insanity should be submitted to the jury as a preliminary question and should be first tried and determined before the defendant is put on his trial for the defense charged and the

inquiry should be confined to his mental condition at the time of the trial and not to the time of the commission of the crime.

Where the plea of present insanity is not interposed, but the supreme court suspects present insanity, it may make an inquiry on its own motion, and if present insanity exists will recommend a commutation of sentence and removal to insane hospital. *Green v. State*, 88 Tenn. 634, 636.

**TEXAS.** When, on trial, defendant is found insane, proceedings shall be suspended until he becomes sane. Art. 988, P. C. Willson's Crim. Stat. Texas.

Court shall commit defendant to sheriff, subject to further order of the court. Art. 989, *supra*.

Court shall send to insane asylum until sane. (1879) Art. 990, *supra*.

When defendant becomes sane he shall be brought before court which convicted him and a jury impaneled to try his sanity; should he be found sane judgment will be enforced against him. (1879) Art. 991, *supra*.

If again found insane, shall be remanded to asylum. (1879) Art. 994, *supra*.

**UTAH.** When person is not indicted account of insanity, or is acquitted on trial thereby, or when he becomes insane during trial, or when brought up for sentence, or during conviction, complaint under oath, setting out these facts must be made. §5053, R. S. Utah, 1898.

Proceedings shall be suspended and insanity tried by jury. §5054, *supra*.

If sane, proceedings commence again. §5056, *supra*.

If insane, court shall order sheriff to take him to insane asylum, if "court deems his freedom a menace to public quietude." Proceedings against him suspended until he becomes sane. §5057, *supra*.

Person in asylum must remain until sane. Time in an asylum shall be deducted from defendant's term of sentence. §5058, *supra*.

**VERMONT.** When person is not indicted account of insanity, grand jury shall so certify. If his discharge be deemed dangerous, court may order him confined in county jail or insane asylum. §1966, Vt. Stat. 1894.

When person tried on complaint is acquitted account of insanity, jury shall so state. If discharge be dangerous he may be confined in jail or insane asylum or other suitable place at his own expense, if he has sufficient estate, if not, at expense of state. §1967, *supra*.



**VIRGINIA.** If person charged with crime, be found insane, court shall order him confined in asylum. If any person convicted and sentenced to penitentiary become insane during his term he shall be confined in ward of hospital for criminal insane. §1682, Vir. Code, 1904.

**WASHINGTON.** The superior courts shall have power to commit to hospital for insane, any person who, having been arraigned for an indictable offense, shall be found by the jury to be insane at time of such arraignment. §5550, Pierce's Wash. Code.

**WEST VIRGINIA.** If court doubts sanity of person indicted it shall suspend trial until jury inquires into sanity. If sane, trial proceeds. If insane, they shall inquire if he was insane when the crime was committed; if so, court may dismiss him, remand to jail for safety or to insane asylum. If not insane at commission of crime, court shall commit to jail or confine in hospital. When cured shall be brought to trial. (1872-3) §4575, W. Va. Code, 1906.

If after conviction and before sentence, court doubts sanity, it may impanel jury to inquire and sentence or commit to jail or hospital as jury finds sane or insane. (1860) §4576, *supra*.

When restored proceedings shall continue. (1860) §4578, *supra*.

When acquitted by jury on account insanity, jury shall so state. (1860) §4579, *supra*.

**WISCONSIN.** Insanity shall be specially pleaded with the plea of not guilty. The special issue shall be first tried; if jury finds defendant was insane, they shall find him not guilty of the crime charged. They shall also find whether defendant has recovered. If so he shall be discharged. If jury can not agree on special issue, court shall discharge them from further consideration of special issue as such and unless special plea be withdrawn, court shall order trial to proceed on plea of not guilty and insanity question shall be considered with the plea of not guilty. Presumption of sanity shall prevail. p. 2822, Wis. St. 1898.

If jury find defendant was and still is insane, court shall order him confined in asylum. p. 2823, *supra*.

When court thinks defendant insane at time of trial, court shall make inquisition by jury or otherwise. If insane, the trial shall be definitely postponed, and court shall order defendant confined in the asylum until cured, when he shall be returned. If incurable, he shall be treated as other insanity cases. p. 2823, *supra*.

**WYOMING.** If any person accused of crime awaiting trial is of unsound mind, question shall be tried as the cases of others of unsound mind. (1895) §656, R. S. Wyo. 1899.

Any such person shall be taken for treatment to places prescribed by board of state charities. (1895) §657, *supra*.

## APPENDIX II.

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### AMERICAN PRISON ASSOCIATION.

#### REPORT OF COMMITTEE ON REVISION OF CONSTITUTION AND BY-LAWS, 1907.

##### CONSTITUTION.

Article I. This association shall be called the American Prison Association, and its objects shall be—

1. The improvement of the laws in relation to public offenses and offenders, and the modes of procedure by which such laws are enforced.

2. The study of the causes of crime, the nature of offenders and their social surroundings, the best methods of dealing with offenders and of preventing crime.

3. The improvement of the penal, correctional and reformatory institutions throughout the country, and of the government, management, and discipline thereof, including the appointment of boards of trustees and of other officers.

4. The care of, and providing suitable and remunerative employment for discharged prisoners, and especially such as may or shall have given evidence of a reformation of life.

Article II. The officers of the association shall be a president, five vice-presidents, a general secretary, a financial secretary, a treasurer, and a board of directors, not exceeding thirty in number, of which the officers above named and the ex-presidents of the association shall be ex-officio members.

Article III. There shall be an executive committee, of which the president shall be ex-officio chairman, the general secretary, ex-officio secretary, and the financial secretary and treasurer ex-officio members; and other committees shall be appointed each year to consider and make reports upon subjects assigned them within the scope of the objects named in Article I.

Article IV. The board of directors, of whom any five members shall constitute a quorum—two of said members being officers of the association—shall meet annually, and in the interval of its meeting its powers shall be exercised by the executive committee, which shall fix its own times of meeting.

Article V. Any person contributing annually to the funds of the association five dollars shall be a member thereof; a contribution of one hundred dollars at any time shall constitute the contributor a life mem-

ber; and a contribution of two hundred dollars at any one time shall entitle the contributor to be a patron. Corresponding members may be appointed by the board of directors or by the executive committee. The power of electing officers shall be confined to the corporate members of the association.

Article VI. The association shall hold an annual meeting at such time and place as it shall appoint, on which occasion the several standing committees and the treasurer shall submit annual reports.

Article VII. All officers of the association shall be elected at the annual meeting; but vacancies occurring after the annual meeting may be filled by the board of directors, who shall also appoint all committees not chosen at the annual meeting; and all officers shall hold over till their successors are chosen.

Article VIII. The executive committee shall consist of seven members of the board of directors—the president, the general secretary, the financial secretary, and the treasurer being *ex officio* members—any three of whom shall constitute a quorum for the transaction of business.

Article IX. This constitution may be amended by vote of a majority of the members of the association at any meeting thereof: provided that notice of the proposed amendment shall have been given at the next preceding meeting.

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BY-LAWS.

1. The order of business at each stated meeting shall be such as is determined by the board of directors and the executive committee.

2. The president, general secretary, financial secretary and treasurer shall perform the customary duties of their respective offices. The general secretary shall be the executive officer of the association; the financial secretary shall collect the members' dues and pay the same to the treasurer.

3. The president shall appoint committees on organization, on time and place of the next meeting, and on resolutions, at the first business session of the annual meeting of the conference, unless otherwise ordered by the association.

4. The president shall decide questions of order, subject to an appeal; and the rules of order shall be those in Cushing's Manual, so far as they may be applicable.

5. No bills shall be paid by the treasurer unless approved and signed by the president and general secretary of the association, or in case of death or incapacity of either, the persons designated by the executive committee to act in his stead.

6. No alteration shall be made in these by-laws, except on notice of the proposed amendment at a previous meeting of the board.

MOVEMENT OF POPULATION—STATE PRISONS AND REFORMATORIES.

State.	Estimated Population 1906.	Institution.	Inmates Beginning of Year.*		Received during Year.*		Released during Year.*										Inmates Close of Year.*	
			Males.	Females.	Total.	Males.	Females.	Paroled.	Discharged.		Par-doned.		Died.		Executed.		Miscellaneous.	
									Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Alabama.....	2,017,877	State Prison, Wetumpka.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Arizona.....	143,745	State Prison, Spigners.....	359	1	360	178	.....	4	133	1	1	.....	6	.....	.....	.....	389	.....
Arkansas.....	1,421,574	Territorial Prison, Yuma.....	829	18	847	542	.....	542	319	8	144	.....	48	.....	108	.....	761	.....
California.....	1,648,049	State Penitentiary, Little Rock.....	1,563	25	1,588	524	8	522	57	6	16	.....	30	.....	4	.....	1,549	.....
Colorado.....	615,570	State Prison, San Quentin.....	1,043	.....	1,043	269	.....	269	12	.....	1	.....	20	.....	19	.....	1,031	.....
Connecticut.....	1,005,716	State Penitentiary, Folsom.....	601	.....	601	287	.....	287	194	.....	13	.....	5	.....	11	.....	620	.....
Idaho.....	205,704	State Penitentiary, Canon City.....	158	.....	158	201	.....	201	206	.....	2	.....	1	.....	.....	.....	150	.....
Illinois.....	5,418,670	State Reformatory, Buena Vista.....	494	14	508	154	4	158	12	2	10	.....	1	.....	2	.....	508	.....
.....	.....	State Prison, Wethersfield.....	220	5	225	90	.....	90	17	.....	2	.....	.....	.....	.....	.....	194	.....
.....	.....	State Penitentiary, Boise.....	1,460	63	1,523	599	21	620	375	19	3	.....	16	.....	110	2	1,498	.....
.....	.....	State Penitentiary, Joliet.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	56	.....
.....	.....	Southern Illinois Penitentiary, Chester.....	1,013	.....	1,013	346	.....	346	46	.....	.....	.....	9	.....	34	.....	954	.....
.....	.....	State Reformatory, Pontiac.....	1,083	.....	1,083	389	.....	389	292	97	.....	.....	2	.....	.....	.....	1,081	.....
.....	.....	State Prison, Michigan City.....	950	.....	950	277	.....	277	100	40	1	.....	16	.....	7	.....	1,062	.....
.....	.....	Woman's Prison, Indianapolis.....	52	.....	52	17	.....	17	13	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	State Reformatory, Jeffersonville.....	1,093	.....	1,093	335	.....	335	136	99	.....	.....	8	.....	10	.....	1,175	.....
.....	.....	State Penitentiary, Anamosa.....	363	17	380	168	8	176	23	3	118	9	2	.....	56	1	332	.....
.....	.....	State Penitentiary, Ft. Madison.....	526	.....	526	214	.....	214	32	208	1	.....	5	.....	23	.....	471	.....
.....	.....	State Penitentiary, Lansing.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	Industrial Reformatory, Hutchinson.....	355	.....	355	186	.....	186	200	10	.....	.....	3	.....	18	.....	310	.....
.....	.....	Main Penitentiary, Frankfort.....	1,283	49	1,332	497	13	510	75	3	31	.....	12	.....	8	.....	1,211	.....
.....	.....	Brauch Penitentiary, Eddyville.....	615	.....	615	341	.....	341	11	248	5	.....	5	.....	6	.....	680	.....
.....	.....	State Penitentiary, Baton Rouge.....	1,650	59	1,709	581	23	604	.....	383	22	44	24	.....	.....	.....	1,754	.....
.....	.....	State Prison, Thomaston.....	172	4	176	67	4	71	.....	42	.....	.....	1	.....	.....	.....	194	.....
.....	.....	State Prison, Charlestown.....	848	.....	848	135	.....	135	5	129	11	.....	6	.....	33	.....	799	.....
.....	.....	State Reformatory, Concord.....	832	.....	832	668	.....	668	556	53	12	.....	5	.....	51	.....	823	.....
.....	.....	Reformatory Prison for Women, South Framingham.....	180	.....	180	184	.....	184	.....	203	.....	.....	.....	.....	.....	.....	142	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

MOVEMENT OF POPULATION—STATE PRISONS AND REFORMATORIES—Continued

State.	Estimated Population 1900.	Institution.	Inmates Begin- ning of Year.*			Received during Year.*			Released during Year.*								Inmates Close of Year.*		
			Males.	Females.	Total.	Males.	Females.	Total.	Paroled.	Dis- charged.	Par- doned.	Died.	Exe- cuted.	Miscel- laneous.	Males.	Females.	Total.	Males.	Females.
Maryland.....	1,275,434	State Penitentiary, Baltimore House of Correction, Jessup.....	890	60	940	350	48	398	.....	307	30	24	3	3	876	72	948	478	63
Michigan.....	2,594,533	State Prison, Jackson.....	312	52	364	223	.....	1,190	130	61	.....	5	.....	12	745	.....	745	.....	.....
Minnesota.....	2,025,615	State House of Correction and Branch Prison, Marquette.....	301	.....	301	66	.....	66	43	17	.....	3	.....	4	300	.....	300	.....	.....
Mississippi.....	1,708,272	State Reformatory, Ionia.....	543	.....	543	257	.....	257	229	44	1	1	4	10	510	.....	510	.....	.....
Montana.....	3,303,153	State Prison, Stillwater.....	678	12	690	297	4	301	64	224	5	8	.....	2	675	10	685	.....	.....
Nebraska.....	1,048,494	State Reformatory, St. Cloud.....	300	.....	300	171	2	173	138	53	1	.....	.....	29	250	2	252	.....	.....
Nevada.....	42,335	State Penitentiary, Jackson.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Hampshire.....	432,024	State Prison, Deer Lodge.....	449	8	457	196	3	199	15	181	7	.....	.....	.....	2,067	54	2,121	.....	.....
New Jersey.....	2,196,237	State Prison, Jefferson City.....	330	8	338	193	.....	193	13	128	3	1	.....	.....	373	6	379	.....	.....
New Mexico.....	216,228	State Penitentiary, Lancaster.....	103	1	104	106	2	108	3	34	8	.....	.....	.....	159	3	162	.....	.....
New York.....	8,226,990	State Prison, Carson City.....	161	4	165	48	1	49	30	7	5	.....	.....	.....	150	4	154	.....	.....
North Carolina.....	2,059,326	State Prison, Concord.....	1,180	39	1,219	485	35	520	83	356	17	12	.....	10	1,198	53	1,251	.....	.....
North Dakota.....	443,784	State Prison, Trenton.....	405	.....	405	289	.....	289	238	5	.....	3	.....	71	503	.....	503	.....	.....
Ohio.....	4,446,677	State Reformatory, Railway Territorial Prison, Santa Fe.....	262	8	270	146	1	147	3	118	11	1	.....	.....	274	8	282	.....	.....
		Auburn Prison, Auburn.....	1,090	85	1,165	440	23	473	94	11	1	6	3	28	1,012	84	1,096	.....	.....
		Sing Sing Prison, Ossining.....	1,276	.....	1,276	802	142	944	121	303	10	9	.....	15	1,201	.....	1,201	.....	.....
		Eastern Reformatory, Napanoch.....	215	.....	215	186	.....	186	146	46	2	.....	4	53	201	.....	201	.....	.....
		State Reformatory, Elmira.....	1,315	.....	1,315	1203	.....	1,203	1047	36	2	8	.....	187	1,238	.....	1,238	.....	.....
		State Reformatory for Women, Bedford.....	224	.....	224	160	.....	160	98	12	.....	.....	.....	.....	.....	.....	.....	.....	.....
		Western House of Refuge for Women, Albion.....	223	.....	223	114	.....	114	118	7	.....	.....	.....	.....	.....	.....	.....	.....	.....
		State Prison, Raleigh.....	623	39	662	152	17	169	.....	78	8	19	2	.....	617	46	663	.....	.....
		State Penitentiary, Bismark.....	231	.....	231	100	.....	100	.....	77	25	1	.....	25	223	.....	223	.....	.....
		State Penitentiary, Columbus.....	1,481	45	1,526	658	36	694	69	558	31	20	5	18	1,448	48	1,496	.....	.....
		State Reformatory, Mansfield.....	774	.....	774	453	.....	453	398	8	2	4	.....	10	805	.....	805	.....	.....

Oregon.....	474,728	348	1	349	220	2	222	16	123	1	23	2	17	378	2	280
Pennsylvania.....	6,028,515	1,066	32	1,130	479	4	493	...	336	16	8	8	17	1,205	20	1,235
Rhode Island.....	490,387	924	19	943	500	12	512	...	313	4	5	7	4	1,106	26	1,121
South Carolina.....	1,453,818	702	16	702	502	...	502	...	117	...	1	3	38	765	...	765
South Dakota.....	445,908	386	...	402	1756	131	1,887	...	280	...	4	2	1	442	26	468
Tennessee.....	2,172,476	211	59	270	458	130	597	...	...	...	...	6	58	181	57	238
Texas.....	3,536,618	672	44	716	204	21	226	...	128	131	22	30	20	676	65	741
Utah.....	316,331	217	2	219	122	2	124	...	107	2	8	2	36	181	2	183
Vermont.....	350,373	775	...	775	323	...	323	...	213	...	27	26	53	740	...	740
Virginia.....	1,973,104	540	...	540	637	...	637	...	96	...	15	16	581	453	...	463
West Virginia.....	1,076,406	744	...	744	540	...	540	...	116	...	31	13	289	831	...	831
Washington.....	614,625	218	2	220	130	4	134	...	69	1	15	1	17	236	6	241
Wisconsin.....	2,280,930	166	23	189	396	29	425	...	36	5	28	3	...	106	19	125
Wyoming.....	103,673	1,276	63	1,339	547	35	582	...	104	4	22	2	40	1,173	77	1,250
		1,147	38	1,186	507	10	517	...	31	...	13	17	9	1,213	37	1,250
		806	11	817	350	6	356	...	250	5	9	...	20	870	10	880
		617	22	639	284	8	292	...	256	7	7	13	12	613	23	636
		283	...	283	164	...	164	...	130	...	2	2	9	270	...	270
		199	2	201	125	2	127	...	82	1	13	1	1	227	3	230

\*This refers to the last fiscal year of the State indicated. In some instances the year here meant ended late in 1906, in others early in 1907.

\*\*Infants under two years.

†Includes ten female infants under two years.

MOVEMENT OF POPULATION—STATE SCHOOLS FOR DELINQUENT CHILDREN.

State.	Estimated Population 1900.	Institution.	Inmates Begin- ning of Year.*			Received during Year.*			Released during Year.*										Inmates Close of Year.*				
			Males.	Females.	Total.	Males.	Females.	Total.	Paroled.		Dis- charged.		Par- doned.		Died.		Exec- uted.		Miscel- laneous.		Males.	Females.	Total.
									Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
Alabama	2,017,877	Boys' Industrial School, East Lake	101	...	101	106	...	106	61	...	...	...	...	...	...	...	...	...	...	...	148	...	148
Arizona	143,745	Territorial Industrial School, Benson	52	5	57	35	2	37	...	19	1	1	...	...	...	...	...	...	...	...	67	6	73
California	1,648,049	Whittier State School, Whittier. Preston School of Industry, Waterman	256	37	293	158	39	197	81	15	65	25	...	2	...	...	...	10	3	256	33	299	
Colorado	615,570	State Industrial School, Golden	189	...	189	97	...	97	139	...	68	...	18	...	...	...	...	...	...	...	212	...	212
		State Industrial School for Girls, Morrison	297	...	297	213	...	213	...	...	15	...	...	...	...	...	...	...	...	...	338	...	338
Connecticut	1,005,716	Connecticut School for Boys, Meriden	54	...	54	32	...	32	30	...	17	1	1	...	...	...	...	...	...	...	37	...	37
Delaware	104,479	Industrial School for Girls, Middletown	441	...	441	196	...	196	...	203	...	...	...	...	...	...	...	...	...	...	434	...	434
		Delaware Industrial School for Girls, Wilmington	268	...	268	57	...	57	36	...	...	...	...	...	...	...	...	...	...	...	272	...	272
Dist. Columbia	307,716	Ferris Industrial School, Mar- shallton	41	...	41	6	...	6	4	...	3	...	...	...	...	...	...	...	...	...	40	...	40
		Reform School for Boys, Wash- ington	92	...	92	48	...	48	36	5	...	...	...	...	...	...	...	...	...	...	88	...	88
Florida	639,341 5,418,570	Reform School for Girls, Wash- ington	235	...	235	181	...	181	96	29	...	...	...	...	...	...	...	...	...	...	365	...	365
		Florida Reform School, Marianna	90	...	90	20	...	20	36	3	...	...	...	...	...	...	...	...	...	...	71	...	71
Illinois	...	State Training School for Girls, Geneva	73	4	77	55	3	58	3	3	1	4	1	...	...	...	...	...	...	71	4	75	
Indiana	2,710,898	St. Charles School for Boys, St. Charles	318	...	318	145	...	145	86	14	...	...	...	...	...	...	...	...	...	...	363	...	363
		Indiana Boys' School, Plainfield. Indiana Girls' School, Clermont	215	...	215	242	...	242	121	9	...	...	...	...	...	...	...	...	...	...	237	...	237
			599	...	599	377	...	377	227	13	...	2	...	...	...	...	...	...	...	546	...	546	
			260	...	260	129	...	129	155	2	...	...	...	...	...	...	...	...	...	207	...	207	

Iowa.....	2, 205, 660	478	156	174	30	3	1	426	426
Idaho.....	305, 704	227	60	63	85	1	1	199	199
Kansas.....	1, 612, 471	46 17	63 52	74 9	3 4	1	1	84 36	120 208
Kentucky.....	2, 320, 298	218 180	145 132	145 132	3 3	2	18	208 181	181 422
Louisiana.....	1, 539, 449	266 56	253 36	289 160	27	2	2	357 65	422 433
Maine.....	714, 494	245 111	356 275	352 201	42 3	2	19	245 138	433 433
Maryland.....	1, 375, 434	92	92 450	450	455			87	87
		143 134	31 48	31 48	57		6	154 133	154 133
		285	76	76	61	6	5	289	289
		237	165	165 94	31		43	234	234
		63	31	31	24	9		47	47
		586	537	537 388		3		676	676
		98	28	28	16	2		108	108
		241	98	98 45	13	3	8	270	270
		100	38	38	29			100	100
		345	343	343 295		3		342	342
		221	184	184	126		26	243	243
		301	142	142	38		70	328	328
		714 387	387 204	387 204	126	1	37	745	745
		263 85	215 49	264 157	37 6	4	4	311 93	404 404
		492	350	350 251	44	2	46	508	508
		140	106	106	7			205	205
		53 7	60 44	7	2			70 14	84 84
		63	16	16				63	63
Massachusetts.....	3, 043, 246	478	156	174	30	3	1	426	426
Michigan.....	2, 654, 533	227	60	63	85	1	1	199	199
Minnesota.....	2, 025, 615	46 17	63 52	74 9	3 4	1	1	84 36	120 208
Missouri.....	3, 363, 153	218 180	145 132	145 132	3 3	2	18	208 181	181 422
Montana.....	303, 575	266 56	253 36	289 160	27	2	2	357 65	422 433
Nebraska.....	1, 068, 494	245 111	356 275	352 201	42 3	2	19	245 138	433 433
		92	92 450	450	455			87	87
		143 134	31 48	31 48	57		6	154 133	154 133
		285	76	76	61	6	5	289	289
		237	165	165 94	31		43	234	234
		63	31	31	24	9		47	47
		586	537	537 388		3		676	676
		98	28	28	16	2		108	108
		241	98	98 45	13	3	8	270	270
		100	38	38	29			100	100
		345	343	343 295		3		342	342
		221	184	184	126		26	243	243
		301	142	142	38		70	328	328
		714 387	387 204	387 204	126	1	37	745	745
		263 85	215 49	264 157	37 6	4	4	311 93	404 404
		492	350	350 251	44	2	46	508	508
		140	106	106	7			205	205
		53 7	60 44	7	2			70 14	84 84
		63	16	16				63	63



**MOVEMENT OF POPULATION—STATE SCHOOLS FOR DELINQUENT CHILDREN—Continued.**

State.	Estimated Population 1906.	Institution.	Inmates Begin- ning of Year.*		Received during Year.*		Released during Year.*												Inmates Close of Year.*	
			Males.	Females.	Total.	Males.	Females.	Total.	Paroled.	Dis- charged.		Par- doned.	Died.		Exec- uted.	Miscel- laneous.		Males.	Females.	Total.
										Males.	Females.		Males.	Females.		Males.	Females.			
New Hampshire.	432,624																			
New Jersey.	2,196,237		483		483	309		309			1			3				475		475
		State Industrial School, Man- chester.																		
		State Home for Boys, Jamesburg.																		
		State Industrial School for Girls, Trenton.																		
New Mexico.	216,328			194	194		80	80											118	118
		New Mexico Reform School, El Rito.																		
New York.	8,226,990																			
		New York Juvenile Asylum, New York.																		
		New York Training School for Girls, Hudson.	308	23	331	233		233												
		State Industrial School, Rochester.		312	312		59	59												
		House of Refuge for Juvenile Delinquents, Randall's Island.	546		546	441		441			3			1				544		544
		New York Catholic Protectory, New York.	615		615	447		447										595		595
		State Reform School, Maudan, Boys' Industrial School, Lancaster.	2,031	573	2,604	2134	275	2,409	1457	186	538	82		5	1			2,071	566	2,637
North Dakota.	463,784																			
Ohio.	4,448,677		1,001		1,001	741		741			31			8				1,097		1,097
		Girls' Industrial School, Delaware.		411	411		160	160												
Oregon.	474,798																			
		Oregon State Reform School, Salem.																		
Pennsylvania.	6,928,515		105		105	49		49												
		Pennsylvania Reform School, Morrisburg.																		
		Philadelphia House of Refuge, (Boys) Glen Mills.	387	108	495	156	42	198	178	42	13	5		4				321	100	421
		Philadelphia House of Refuge, (Girls) Philadelphia.	678		678	366		366										660		660
				125	125		132	132												210

Rhode Island.....	490, 267	Seachnasiet School for Boys, Providence.....	338	43	338	566	27	566	201	19	326	1	377	40	377
South Dakota.....	465, 008	Oaklawn School for Girls, Providence.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Texas.....	3, 538, 618	State Reform School, Flankington.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Utah.....	316, 321	House of Correction and Reformatory, Caswell.....	172	.....	172	76	.....	76	.....	.....	.....	.....	.....	.....	.....
Vermont.....	350, 273	State Industrial School, Ogden.....	153	19	102	101	23	124	14	13	17	6	168	19	168
Virginia.....	1, 973, 104	Industrial School, Virginia.....	119	28	147	53	19	47	19	3	34	5	119	28	119
Washington.....	614, 625	Laurel Industrial School.....	204	.....	204	103	.....	103	103	.....	.....	.....	103	.....	103
West Virginia.....	1, 076, 406	School for Colored Boys, Kanawha.....	84	.....	84	57	.....	57	41	.....	31	.....	103	.....	103
.....	.....	State Training School, Kanawha.....	154	36	169	153	30	182	111	20	10	4	196	45	241
.....	.....	Industrial Home for Girls, Industrial Virginia.....	72	.....	72	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	West Virginia Reform School, Gratton.....	279	.....	279	104	.....	104	182	.....	6	.....	225	.....	225
Wisconsin.....	2, 290, 930	Industrial School for Boys, Washburn.....	305	.....	305	192	.....	192	100	.....	19	.....	310	.....	310
.....	.....	Industrial School for Girls, Milwaukee.....	.....	225	225	53	.....	53	.....	.....	50	34	.....	221	221

\*This refers to the last fiscal year of the State indicated. In some instances the year here meant ended late in 1908, in others, early in 1907.

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## REGISTRATION BY STATES.

Alabama .....	1	New Mexico .....	1
California .....	8	New York .....	14
Colorado .....	9	North Carolina .....	1
Connecticut .....	8	North Dakota .....	8
Delaware .....	1	Ohio .....	27
District of Columbia.....	6	Oregon .....	1
Georgia .....	8	Pennsylvania .....	11
Illinois (Chicago, 198).....	206	Rhode Island .....	1
Indiana .....	46	South Carolina .....	1
Iowa .....	9	South Dakota .....	4
Kansas .....	8	Utah .....	2
Kentucky .....	7	Virginia .....	7
Louisiana .....	3	Washington .....	1
Maine .....	4	West Virginia .....	6
Maryland .....	4	Wisconsin .....	12
Massachusetts .....	7	Wyoming .....	1
Michigan .....	6		
Minnesota .....	6		
Mississippi .....	1	Canada .....	14
Missouri .....	6	Cuba .....	4
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